

## Planning Applications – 18 December 2013

### Planning Applications will be considered no earlier than 2.15 pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.05pm.

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	39	WESSEX	13/03272/ OUT	Outline application for the construction of up to 150 dwellings with new vehicular access from Langport Road. Provision of associated parking, road and drainage infrastructure, a playing pitch, public open space and pedestrian links (all matters reserved except for access).	Land South Of Langport Road, Langport Road, Somerton.	Mr J Sutcliffe
2	58	CURRY RIVEL	13/04224/ OUT	Outline application for residential development of 6 dwellings	Land off Heale Lane Curry Rivel	West Of England Developments (Taunton) Ltd
3	69	ST MICHAELS	13/03622/ FUL	Erection of 18 dwellings and associated works including a new vehicular access, parking, open space and landscaping.	Land Adj East Stoke House, Montacute Road, East Stoke.	Mr & Mrs S Shuldham
4	86	SOUTH PETHERTON	13/02787 /FUL	The erection of single storey industrial building (Use Class B1 & B2) subdivided into 4 No. units with ancillary loading bay and car parking.	Lopen Head Nursery, Lopenhead, South Petherton.	Mr A Whitehouse
5	97	WESSEX	13/03822/ LBC	Partial removal of wall opposite wood fired oven to allow for better sight lines (retrospective).	White Hart Inn, Market Place, Somerton	Mr R Greacen

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Area North Committee – 18 December 2013

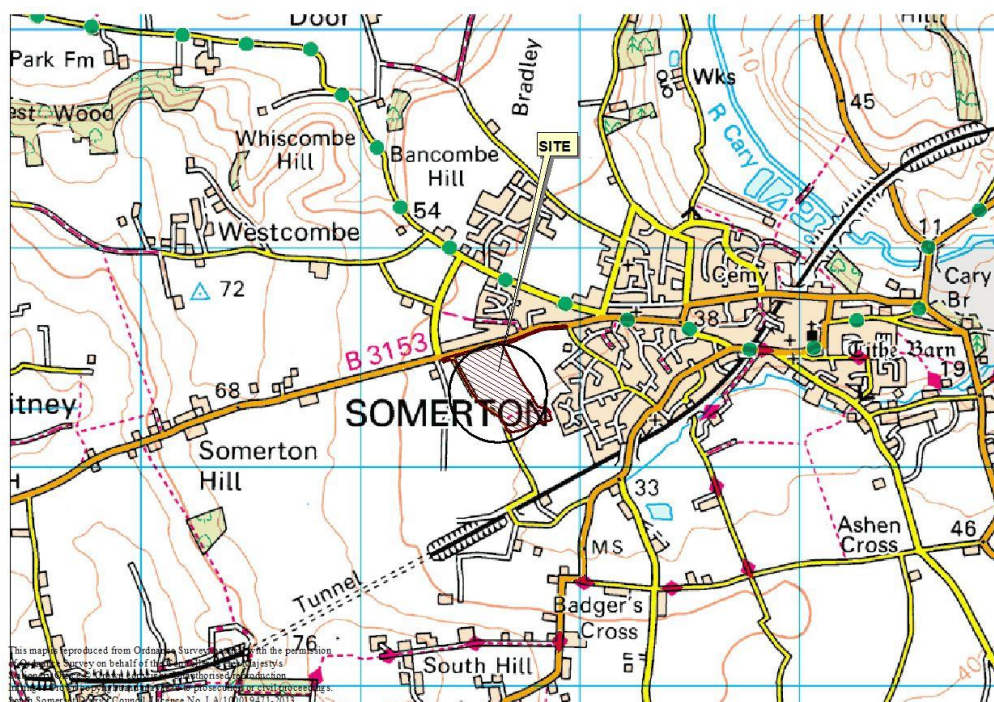
## Officer Report On Planning Application: 13/03272/OUT

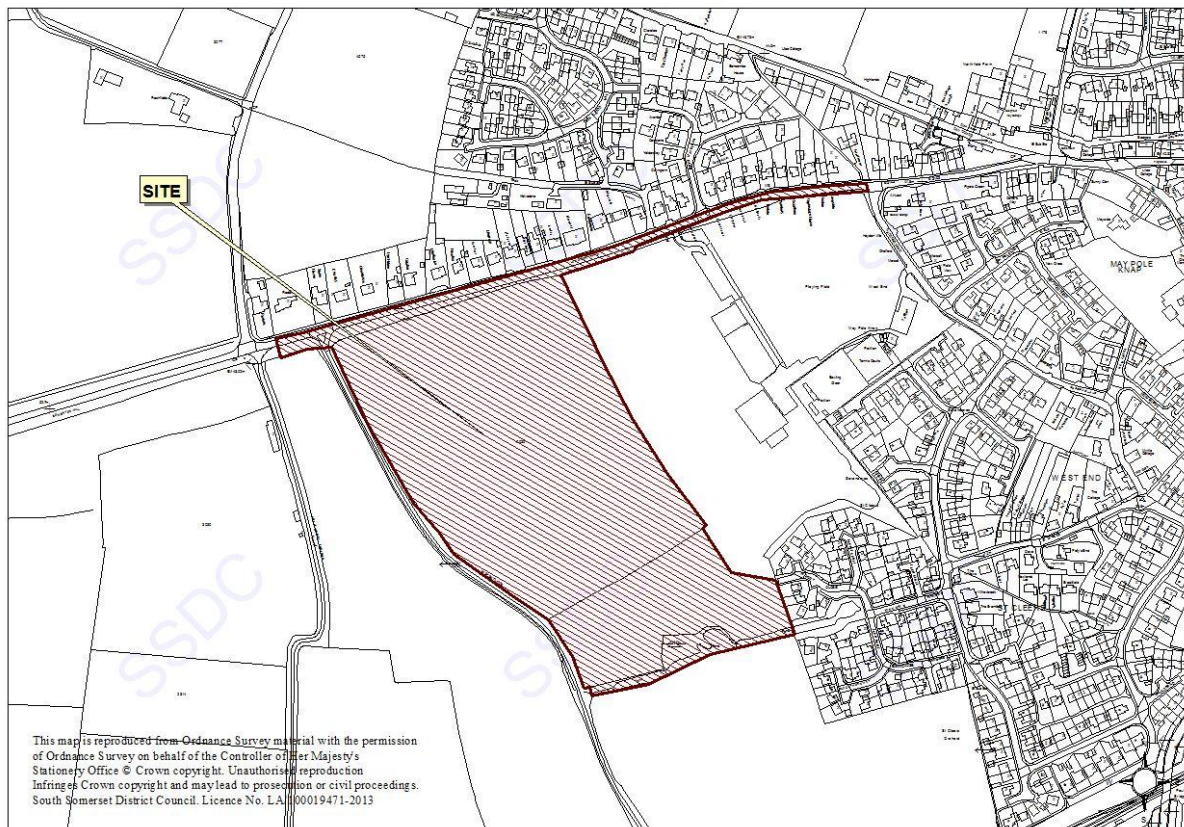
<b>Proposal :</b>	Outline application for the construction of up to 150 dwellings with new vehicular access from Langport Road. Provision of associated parking, road and drainage infrastructure, a playing pitch, public open space and pedestrian links (all matters reserved except for access). (GR 347594/128390)
<b>Site Address:</b>	Land South Of Langport Road, Langport Road, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr Pauline Clarke Cllr David Norris
<b>Recommending Case Officer:</b>	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	20th November 2013
<b>Applicant :</b>	Mr Jeremy Sutcliffe
<b>Agent: (no agent if blank)</b>	Mr Simon Fitton, RPS, 2420 The Quadrant, Aztec West, Almondsbury, Bristol BS324AQ
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO AREA NORTH COMMITTEE:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, given the Council's current lack of a demonstrable 5 year housing land supply, ST3, as a policy to constrain development, conflicts with the National Planning Policy Framework. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

### SITE DESCRIPTION AND PROPOSAL





This application seeks outline planning permission to erect up to 150 dwellings at an overall density of 16 dwellings per hectare (allowing for the open space this will equate to c.35 dwellings per hectare in the built up areas) and associated vehicular access and is seeking to agree the matter of access with all other matters reserved for later agreement. The scheme also includes the provision of an on-site sports pitch, on-site equipped play area and an area of open space with drainage attenuation pond.

The application site is approximately 9.4 hectares in area and comprises two agricultural fields (grade 3b – moderate quality land) located at the western periphery of Somerton and outside the settlement's development limits. The site abuts the western side of the recreational ground with agricultural land to the south and west and residential development to the north and southeast.

The site is bounded predominantly by mature hedgerows with a belt of trees and cut of water along the southern most boundary. The land gently rises from south to north, with the larger field to the north in active agricultural production and the smaller field to the south presently in an overgrown condition.

The proposed new access to serve the development is to lead on to Langport Road to the north, a classified B road, that is subject to a 30mph speed limit. A public footpath (L25/34) passes from east to west through the smaller field. The site also sits partly within an area of high archaeological potential and within an archaeological site for a medieval farmstead and saxon manor with a further archaeological site of crop markings a short distance to the west.

The application is supported by:

- Planning statement;

- Design and Access Statement;
- Visual Appraisal;
- Transport Assessment;
- Heritage Impact Assessment Report;
- Ecological Appraisal;
- Aboricultural Constraints Report
- Utility Assessment Report
- Flood Risk Assessment and Surface Water Drainage Strategy
- Statement of Community Involvement
- Site Waste Management Plan
- Noise and Vibration Constraints Report.

### **RELEVANT HISTORY:**

13/02706/EIASS: Request for an EIA screening opinion in respect of a proposed residential development. EIA not required.

### **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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST1 – Rural Centres  
 ST3 - Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 ST9 - Crime Prevention  
 ST10 - Planning Obligations  
 EC3 - Landscape Character  
 EC7 - Networks of Natural Habitats  
 EC8 - Protected Species  
 EH11 - Archaeological Sites of National Importance (Scheduled Ancient Monuments)  
 EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites  
 EP1 - Pollution and Noise  
 EP3 - Lighting  
 EU4 - Water Services  
 TP1 - New Development and Pedestrian Movement  
 TP4 - Road Design  
 TP7 - Car Parking  
 CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development  
 CR3 - Off-Site Provision  
 CR4 - Provision of Amenity Open Space  
 CR9 – Public Rights of Way and Recreation Routes  
 HG7 - Affordable Housing

National Planning Policy Framework:  
 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 POLICY CONSIDERATIONS:**

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

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13)

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still does not have a demonstrably deliverable 5 year housing land supply. 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) and 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 Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

### **CONSULTATIONS**

**Somerton Town Council:** Recommend refusal. The submitted application is unacceptable due to the perceived impact on the local infrastructure of such a scale of development (main issues being schooling, parking in the town centre, surface water and drainage concerns). It is recommended that discussions are held to reduce the scale of any development proposed.

**County Highways:** No objection, subject to condition and an appropriately amended Travel Plan for inclusion within a 106 Agreement. The latest drawing FMW1159T figure 5.2 is generally acceptable for inclusion in a future S278 agreement. The traffic impact of the proposed development on the surrounding network has been considered and found not to be severe although some changes will be required to the submitted Travel Plan before it will be suitable for including in any Section 106 Agreement that will accompany a planning approval on this site. Proposed conditions to address:

- Construction Management Plan;
- Condition survey of the highway;
- Surface water drainage details;
- Estate road details;
- Connection to the highway of each dwelling prior to occupation;
- Right to discharge surface water;
- Access works to be carried out prior to works commencing;
- Network of cycleway and footpath connections through the development;
- Parking and turning provision to serve the new dwellings;

- No vehicular or pedestrian access on to Ricksey Lane.

**Arborist:** No objection, subject to a condition requiring a scheme of tree protection.

The existing mature trees are proposed to be retained within the area of public open space (POS) to the south. This area is rough ground that is prone to waterlogging and the construction of the proposed attenuation pond could leave the adjoining trees quite vulnerable to the ground-works.

**County Archaeology:** It is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the NPPF (para. 141), this should be secured by condition.

**Climate Change Officer:** Objects as there is no comment on the provision for renewable energy generation equipment or how the code for sustainable homes level 4 and the building regulations will be met.

If our local plan submission plan is adopted before reserved matters are considered then Code for Sustainable Homes Level 4 will be required rather than Level 3 which the Design and Access Statement shows an intention to comply with. As Part L of the building regulations change from July 2013 we should expect renewables to be explicitly detailed in broad terms at the outline stage, especially for developments of this size, because they will impact on the layout and appearance of the development.

**Drainage Engineer:** The drainage strategy set out in the floor risk assessment is sound. Ground investigation to assess possible use of soakaways should be carried out. A condition requiring drainage details to be agreed should be imposed.

**County Education:** Identified a shortfall in the number of infant and junior schools places available to meet the likely demands of the proposed development and therefore seeks the following financial contributions:

- 13 infant places and 17 junior places = 30 places at £12,257 per place = £367,710 in total

**Sports, Arts & Leisure:** Seek a contribution of £320,474 (equating to £2,136 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £146,183 for local facilities, to cover the provision of on-site equipped play space and payment towards off-site youth facilities and changing facilities at Gassons Lane Recreation Ground;
- £125,807 for strategic facilities, to go towards theatre and indoor tennis centre, artificial pitches, swimming pools and sports hall in the Langport / Huish Episcopi and Yeovil areas;
- £45,311 as a commuted sum towards local services;
- £3,173 as the Community Health and Leisure Service administration fee.

In addition to these payments the provision of a senior football pitch on-site is also sought.

**Open Spaces:** No objection. There is a generous allocation of open space, I would normally request the open space to be central to the site however the topography of this southern location is limiting and lends itself to this use.

**Environment Agency:** No objection subject to conditions relating to provision of a detailed surface water drainage scheme for agreement and the provision of scheme for the responsibility and maintenance of the surface water drainage scheme.

**Landscape Officer:** No landscape objections subject to a condition requiring a detailed landscaping scheme, including a management prescription for post-construction vegetation management.

The area identified falls within the scope of the peripheral landscape study for Somerton which indicated the west side of Somerton to be the logical growth area. Hence in terms of principle of development, if there is a need to find additional housing land for Somerton in the next phase of the local plan there is no in-principle landscape objection.

The site equates to 9.37 ha of which 4.17 ha is indicated on the concept masterplan as being landscape and open space provision. This is a generous amount of green space. I agree with the placement of the informal open space and have no issues with the arrangement and locality of the proposed housing blocks and potential to face onto open space.

**Natural England:** Based on the information provided the proposal is unlikely to affect any statutorily protected sites, landscapes or European Protected Species. Supports the enhancements and recommendations set out within the Ecological Appraisal.

**Somerset Wildlife Trust:** In general we support the findings of the Ecological Appraisal and the proposal enhancements. Specifically we support the recommendations to retain and enhance the watercourse corridor along the southern boundary and mature trees, the provision of additional hedgerows and enhancement of existing ones, planting designed for wildlife conservation, provision of bat and bird boxes and external lighting to be designed to minimise light spill and pollution.

**Ecology:** Generally agrees with the conclusions of the submitted Ecological Appraisal and recommends conditions relating to:

- Bat assessment / survey of any trees ranked Category 1;
- Badger mitigation strategy;
- Measures for the enhancement of biodiversity;
- In reference to dormice a hedgerow removal method statement;
- Reptile Mitigation Plan.

**Planning Policy:** No objection to the principle of development, subject to there being no adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing.

Noted the lack of a five year housing land supply and that 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.

Somerton is identified as a Rural Centre in the saved local plan and a Local Market Town in the emerging local plan and therefore has a relatively wide range of jobs, services and facilities that serve the settlement and wider rural area. The proposal is within the 'direction of growth' set out in policy LMT3 of the emerging local plan but at 150 dwellings is of a greater scale than proposed in policy 55 which has a residual requirement of 88 dwellings in Somerton up to year 2028.



The emerging district-wide provision is at least 15,950 dwellings and the council is proposing additional text to policy SS2 outlining a permissive approach to housing proposals in the directions of growth in advance of the subsequent Site Allocations Development Plan Document and the NPPF's presumption in favour of sustainable development.

**National Health Service:** No comments received.

**Police Liaison Officer:** No comments received.

**County Rights of Way:** No objection but noted that the public footpath was not shown in its legal position on the masterplan.

**SSDC Rights of Way:** The public footpath across the site to be diverted within the greenspace in due course.

**Somerset Waste Partnership:** No comments received.

**Strategic Housing:** Policy requires 35% affordable housing split 67:33 in favour of social rent without access to further public subsidy. Suggests 52 affordable units (based on 150 in total) of which 36 will be for social rent and 17 for shared ownership or other intermediate solutions. These should be pepper potted throughout the site and designed to blend in with the proposed market house styles. Tenure split would be decided by referring to the current housing register (Homefinder Somerset) and identifying need at that given time for Somerton.

**Wessex Water:** There is limited capacity in the local sewerage network to accommodate additional flows and strategy has yet to be agreed as such we request a condition to secure a foul and surface water drainage strategy, with the details to be completed in accordance with an agreed timetable.

A detailed engineering appraisal will be required to confirm the scope and extent of capacity improvements to the public sewer system. This appraisal will require network modelling to prepare a range of options for upsizing or attenuation measures to mitigate the impact of peak flows from the site.

Typical schemes for sites of this scale will involve agreement upon the point of connection together with any sewer upsizing and / or attenuation measures to ensure satisfactory levels of service. An off-site connecting sewer will be needed and this can be requisitioned from Wessex Water acting as the sewerage undertaker. Once the appraisal is complete we will be able to agree a suitable drainage strategy. Surface water disposal should be made to local land drainage systems with appropriate flood risk measures agreed with the Environment Agency. No surface water connections will be permitted to the foul system. Drainage systems will be adopted through a Section 104 agreement.

## REPRESENTATIONS

66 written representations have been received from local residents objecting to the proposed development. 55 of these are an identical letter all with different signatories and raised the following concerns:

- Flooding. Whilst the attenuation pond may deal with the flooding to the benefit of the new development it may worsen the situation for the existing housing to the east. In August 2012 a flash flood caused flooding to garages and gardens in

Barley Croft and Ricksey Close.

- Does not meet local housing need. The projected housing figures of 88 for Somerton set out in the local plan is a true reflection of what is appropriate. The type of housing is also unsuitable being all family housing, no bungalows or accommodation for the elderly is included.
- Impact on local infrastructure and rate of development. 133 houses have already been permitted at Northfield Farm. Somerton's infrastructure is already over-stretched, the one and only primary school is over-subscribed, public parking spaces are in short supply, there is no secondary school, no petrol station and only one bank. The application offers little to the local community and will only worsen things. The lack of effective phasing of these new developments means it is extremely difficult to assess their individual impact.
- Sustainability: The only benefit cited by the developer is to the community park and provision of a play area and new sports pitch which is unlikely to benefit the majority of Somerton's residents. Any employment benefits will be short-lived and will not necessarily provide work for local people. The new occupier's may prefer to shop at Tesco in Langport thereby denying economic benefit to local traders, yet going into the town centre to park to use the doctor's surgery, library etc.

Additional representations raised the following objections and concerns:

- Excessive scale of development on this side of Somerton (including other developments proposed for Somerton) which will negatively impact on the character of this historic market town.
- Somerton is a large village, not a small town. Infilling of existing vacant plots should be pursued before a large new estate.
- The adverse impacts in sustainability terms of the development outweigh any benefits.
- This is not a sustainable location.
- The land to the south of the site is also under option. If this application is permitted it will be a shoe-in for this neighbouring land.
- The local plan identifies a need for an additional 88 houses, a much better site for these is on the east side of Cartway Lane.
- If approved there must be a legal requirements that no further house building is allowed in Somerton or its surrounds for the foreseeable future and that the community park is developed in its proposed area.
- The housing density of 35 dwellings per hectare is contrary to SSDC's advice of no more than 30 dwellings.
- Increased burden on already stretched infrastructure and services.
- Before more housing is allowed a new school should be a priority.
- There are no jobs available in Somerton.
- Increase the carbon footprint of the town since more residents are likely to resort to cars to access services in town.
- Town centre facilities are not within a reasonable walking distance.
- Increased congestion on the roads.
- Increased demand for town centre parking.
- The frequency of bus services may not be regular enough to deter car use.
- Langport Road is sometimes like a race track and can be very busy.
- If approved, any road improvements to make that stretch of road safer is a good thing.
- Somerton has very little public open space. Ricksey Lane is popular for walkers and if developed would be lost as a rural amenity along with any wildlife.
- Loss of land for food production and wildlife.

- Runoff and drainage concerns. Langport Road, Ricksey Lane and the area around the railway tunnel are prone to flooding. The fields on the west of Ricksey Lane discharge water into the lane after heavy rain and the new estate will remove a soakaway field.
- The capacity of the sewerage system is already inadequate.
- Visual impact. The application suggests houses up to 2.5 storeys high which will be out of scale with the older more established housing in Langport Road and housing in St Cleers to the east.
- I currently live on the edge of Somerton, should this be approved I will end up living in a built up area.
- There are many houses in Somerton for sale.
- Lead to sprawl.
- Is the additional sports pitch needed?
- Somerton does not need any more allotments or an orchard which will have to be managed by responsible citizens.

Separately to the above a petition has also been received, signed by some 460 people, opposing the development due to concerns relating to increased traffic congestion in the town centre, parking problems, over-burdened public services and the danger of a two-centre town and decline of the town centre.

### APPLICANT'S CASE

*“The application proposals constitute sustainable development that complies with the requirements of the NPPF and SSDC’s emerging Local Plan. A suite of technical documents are submitted in support of the development proposals that demonstrate the evolution of the proposals and how any impacts can be successfully mitigated, and enhanced in the case of aspects such as flood risk and ecology.*

*... In accordance with NPPF paragraph 14 and Policy SD1 of the emerging Local Plan planning permission should be granted for the proposed development.”*

(Part 7 of the Supporting Planning Statement)

### CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape, visual amenity and density;
- Residential amenity;
- Highway safety;
- Ecology;
- Archaeology;
- Flooding and drainage;
- Sewerage and water supply;
- Planning obligations.

#### Principle:

It is accepted that the site is located outside the development area of Somerton, 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 is unable to demonstrate a deliverable 5-year land supply as required by para. 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector in the Slades Hill, Templecombe appeal (12/03277/OUT) concluded that the Council was still unable to show a five- year land supply.

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. In Somerton's case the previous local plan designated the town as a Rural Centre and appropriate for development given the:-

*".....generally superior service provision, better accessibility, generally better employment opportunities and .... Capacity in terms of both physical and community infrastructure to absorb further development...."* (para. 2.48)

Secondly, it acknowledges that the emerging local plan designates Somerton as a Local Market Town with a wide range of shops, services, facilities and employment opportunities.

The 150 dwellings proposed by the current scheme exceeds the 88 dwellings identified for Somerton up until 2028 through the emerging plan (policy SS5), however, it should be noted that this figure is the minimum requirement identified for the settlement and not the maximum. It is considered that Somerton's role and function as a Local Market Town makes it suitable, in principle, to absorb further housing growth to that identified. In this instance the additional housing proposed through the current scheme is not considered to be disproportionate in scale bearing in mind the settlement's role, function and size.

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, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

On this basis, and notwithstanding the various objections from the Town Council and local residents in relation to principle, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts. It is considered that the proposal would not set any kind of undesirable precedent. All other matters regarding the principle of the development raised by the Town Council and local residents have been considered, but are not considered to outweigh the considerations outlined above.

**Impact on the local landscape, visual amenity and density**

The Landscape Officer raises no in-principle objection to the proposed scheme and notes that the site area falls within the scope of the peripheral landscape study of Somerton, indicating the west side of Somerton as a logical area for further growth should additional housing land be required. The concept masterplan includes a relatively generous level of green space. The placement of the informal open space within the southern field will make use of the primary landscape interest within the site including the mature tree planting and watercourse and as such is a logical focus for this function.

The scheme indicates the retention and enhancements of the native hedgerows bounding the site and an area of open space within the northwest corner of the site, adjacent to Langport Road / Ricksey Lane junction. The development proposes an average density of 35 dwellings per hectare across the identified residential area of the site and is intended to be predominantly 2-storey in height and up to 2.5 storey for a number of key / feature buildings.

It is not considered that development of this type and at this density is inappropriate in principle in this location. In any event the layout, house types and density can be fully considered at the reserved matters stage.

**Access and Highway Safety**

The development is to be served by a single new access leading on to Langport Road with all other existing accesses leading on to Ricksey Lane stopped up to vehicular traffic. The new access arrangements includes the provision of a right hand turn 'ghost island' for traffic turning into the development from a westerly direction. The provision of a 2m wide footway along the road frontage to the east of the access, two pedestrian crossings and a bus stop are also incorporated into the scheme. The highway authority has raised no objection to the principle of these arrangements or its impact upon the surrounding highway network, subject to a number of highway related conditions.

Concerns have been raised by the Town Council and a number of local residents with regard to the volume of traffic the development is likely to generate and how it will impact upon the local road network, with particular reference to increased congestion in the town centre and demand for town centre parking which they feel is already stretched. The highway authority, however, has considered the traffic implications of the proposal and concluded that such impacts will not be severe and should not be a reason to object to this application.

As such, notwithstanding the local concerns, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without prejudicing highway safety. The proposal is therefore considered to accord with saved policies ST5, TP1 and TP4 of the local plan.

The highway officer has raised some minor concerns in regard to the submitted Travel Plan, however, this is not considered to be a matter that should constrain the development, as such revisions can be secured as part of any legal agreement negotiations should the application be permitted.

**Residential Amenity**

Given that the indicative layout puts the proposed dwellings at least 50m away from properties on the opposite side of Langport Road it is not considered that there are any inherent problems with regard to the amenities of existing residents. With the regard to the amenity of the future residents of the development this can be fully assessed at reserved matters stage. Whilst the outlook for residents on the opposite side of Langport Road, the mere loss of a view cannot justify withholding planning permission and the

new view can be fully assessed at the reserved matters stage when the full details will be available.

### **Flooding and Drainage:**

The Environment Agency, Wessex Water and SSDC's Drainage Engineer have been consulted as to the potential flooding impacts of the development and the proposed surface water drainage scheme. They are all content with the principle of the scheme, subject to the imposition of various conditions and informatives on any permission granted. The site is located within the Environment Agency flood zone 1 and is therefore not considered to be an area at risk of flooding. Therefore, notwithstanding the concerns raised by the Town Council and local residents, and subject to the imposition of suitable conditions, it is considered that the proposed development would not increase the risk of flooding to existing properties in accordance with the aims and objectives of the NPPF and the local plan. The drainage proposals are considered to be adequate, subject to a condition to secure further details.

### **Sewerage and Water Supply**

Concerns have been raised regarding the adequacy of the local sewerage and water supply network. Wessex Water has indicated that there are capacity issues in relation to both these matters in the locality. However, they are content that these issues can be adequately controlled through appropriate condition on any permission issued, and that financial contributions can be secured using the Water Industry Act 1991.

### **Infrastructure and Facilities**

A number of concerns have been raised regarding whether Somerton has the necessary infrastructure and facilities to cope with the proposed development. No substantive concerns or objections have been raised by the relevant technical consultees or service providers and, where necessary, details can be conditioned. Issues regarding a shortfall in existing infant and junior school places in Somerton, to meet the likely demand of this development, has been identified by County Education and appropriate contributions (as set out in the Planning Obligations section below) are therefore sought to address this. No other service supply issues, e.g. healthcare, have been identified.

### **Ecology**

A number of local residents have raised concerns as to the impact of the development upon local wildlife. Natural England, the Somerset Wildlife Trust and Council's Ecologist all made comments in relation to this aspect. All three support the findings of the submitted Ecological Appraisal and raise no objection to the principle of the development and make reference to the recommended enhancements set out in the appraisal, however, these matters are better dealt with at reserved matters stage. The Council's Ecologist recommends a number of conditions to address any potential impact the proposal could have upon any legally protected species and provided these conditions form part of any consent, should the application be approved, the proposal should not adversely affect local ecology or any protected species.

### **Archaeology**

The southern part of the site and area to be used as informal open space and to accommodate the attenuation pond is within a designated area of high archaeological potential and the site of a medieval farmstead / manor. The County Archaeologist raises no concerns with the submitted Heritage Appraisal but does not agree with the proposed 'preservation in-situ' method for some of the remains found in the area of the proposed playing pitch and such approaches are rarely achievable in the long-term. Instead they recommend a scheme of archaeological excavation prior to works commencing on. This matter can be adequately secured through an appropriately worded condition, which should form part of any consent should the application be approved.

### **Planning Obligations**

Sports, Arts & Leisure: The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities. An equipped play area (500 metre square LEAP) and a full size football pitch are to be provided on-site by the developer as part of this scheme, in addition to this the Council's Sports, Arts & Leisure unit are seeking off-site contributions of £320,474 (equating to £2,136 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £146,183 for local facilities, to cover the provision of on-site equipped play space and payment towards off-site youth facilities and changing facilities at Gassons Lane Recreation Ground;
- £125,807 for strategic facilities, to go towards theatre and indoor tennis centre, artificial pitches, swimming pools and sports hall in the Langport / Huish Episcopi and Yeovil areas;
- £45,311 as a commuted sum towards local services;
- £3,173 as the Community Health and Leisure Service administration fee.

Education: There is an identified shortfall of 13 infant school and 17 junior school places to meet the likely demands of the proposed development. County Education are therefore seeking an overall contribution of £367,710 (£12,257 per place) towards the costs of providing these additional places.

Affordable Housing: It is expected that the developer will provide 35% of the total number of dwellings on site as affordable housing which would equate to 53 affordable units based on 150 in total, however, the actual number would be finalised at reserved matters stage. At this point the S106 agreement should oblige the developer to provide at least 35% of the dwellings as affordable with a tenure split of 75:33 in favour of rented accommodation to shared ownership or other intermediate solutions.

Highway Improvements and Travel Plan: The off-site improvements, such as the right-hand turn 'ghost island', bus stops and pedestrian crossings, should be secured through a S106 agreement, as should an appropriately revised Travel Plan.

Open Space: A maintenance scheme to ensure the on-going maintenance of the public realm, including the area of informal open space, attenuation pond and general areas of open space, to the satisfaction of the Development Manager.

Monitoring Fee: A monitoring fee of 20% of the application fee is sought.

Accordingly, should the application be approved a Section 106 agreement will be necessary to secure:

- Provision of the on-site equipped play area and sports pitch and contributions towards off-site strategic and local play, sport and recreation facilities;
- 35% of the dwelling units as affordable and to remain so in perpetuity;
- Financial contributions towards additional infant and junior school places;
- Necessary off-site highway improvements;
- An appropriate Travel Plan;
- Maintenance scheme relating to the public realm; and
- Monitoring fee.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST5, ST10, CR2, CR3 and CR4 of the local plan.

### **Other Matters**

The proposed development, due to its size and nature, falls within Part 10b of Schedule 2 of The Town and Country (Environmental Impact Assessment) Regulations 2011. An EIA Screening Opinion has therefore been carried out during which it was assessed against the criteria set out within Schedule 3 of the EIA Regulations and it was concluded that the potential effects of the development were not so significant as to require an EIA.

The Climate Change Officer has objected to the proposal due to the lack of information for the provision of renewable energy on site or how the code for sustainable homes level 4 is to be met. Whilst his comments are noted these issues relate to the detailed design of the scheme and are matters to be dealt with at reserved matters stage.

A public footpath passes through the southern part of the site through the area of informal open space. It is noted that the route of the footpath, as indicated on the proposed masterplan, differs from its legal route, any such diversion will need to get the separate approval of County Rights of Way through a Re-direction Order. Neither the County or SSDC's Rights of Way officers have raised any objections in this regard.

A number of local residents have raised concerns as to the long-term maintenance of the drainage attenuation pond. This matter along with the management of the public realm on site is to be addressed through the Section 106 Agreement (as noted earlier in the report).

### **Conclusion**

Given the Council's lack of a five-year housing land supply and the location of the site in the area identified as being in the direction of growth for Somerton, as set out in policy LMT3 of the emerging local, it is considered that the, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity, the historic environment or highway safety have been identified that justify withholding outline planning permission and the agreement of the details of means of access. All outstanding matters of detail would be adequately assessed at reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions and provision of the other obligations sought through a Section 106 Agreement.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with the aims and objectives of the NPPF and policies ST1, ST3, ST5, ST6, ST10, EC3, EC7, EC8, EH11, EH12, EP1, EU4, TP1, TP4, CR2, CR3, CR4, CR9 and HG7 of the South Somerset Local Plan. As such the application is recommended for approval.

### **RECOMMENDATION**

That application reference 13/03272/OUT be approved subject to:

1. 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:-
  - (a) A contribution of £320,474 (or £2,136 per dwelling) towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:



- £146,183 for local facilities;
  - £125,807 for strategic facilities;
  - £45,311 as a commuted sum towards local services;
  - £3,173 as the Community Health and Leisure Service administration fee.
- (b) The provision of on-site equipped play space and sports pitch and their on-going maintenance through a management plan to the satisfaction of the Assistance Director (Wellbeing).
- (c) At least 35% of the dwellings as affordable dwellings with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
- (d) A contribution of £367,710 towards the cost of providing additional infant and junior school places, to the satisfaction of Somerset County Council.
- (e) Off-site highway improvements on Langport Road, to the satisfaction of the County Highway Authority.
- (f) Travel Plan measures to the satisfaction of the County Highway Authority with the agreement of the Development Manager, and to be fully implemented in accordance with the agreed details.
- (h) A scheme of maintenance for the long-term maintenance of the areas of open space and attenuation pond, to the satisfaction of the Development Manager and Environment Agency.
- (c) A Section 106 Agreement monitoring fee based on 20% of the outline application fee.

2. and the following conditions

### **Justification**

Notwithstanding the local concerns, the provision of up to 150 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to landscape, residential or visual amenity, ecology, archaeology or highway safety, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

### **CONDITIONS**

01. Details of the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this

permission or not later than two years from the approval of the last “reserved matters” to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The site hereby approved for development shall be as shown on the submitted location plan received 14/08/2013.

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

04. The development hereby permitted shall comprise no more than 150 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. The development hereby permitted shall not commence unless a foul and surface water drainage scheme for the site which shall include a timetable for its implementation and a scheme for the future responsibility and maintenance of the surface water drainage system. Such drainage shall be based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

06. No development hereby permitted shall take place unless the applicant, their agents or successors in title, has secured the implementation of a programme of archaeological excavation in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policies EH11 and EH12 of the South Somerset Local Plan.

07. No development hereby permitted, including site clearance, ground-works, heavy machinery entering site or the on-site storage of materials, shall be commenced until such time as a tree protection plan and an arboricultural method statement relating to retained trees on or adjoining the site has been submitted to and agreed in writing with the Council. Such details should conform with paragraphs 5.5, 5.6, 6.1, 6.2 & 6.3 of British Standard 5837:2012 – Trees in relation to design, demolition and construction and shall include:-

- the installation details and location of root protection areas & protective fencing clearly detailed upon the tree protection plan and;
- details of special tree protection and engineering measures for any required installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees and;

Upon approval by the Council, the agreed tree protection measures & tree

planting requirements shall be implemented in their entirety for the duration of the construction phase..

Reason: To secure the planting of new trees and to preserve landscape features (trees) in accordance with the objectives of saved Policy ST6 of the South Somerset Local Plan.

08. Prior to the submission of any reserved matters application a bat assessment / survey of any trees ranked as Category 1 in accordance with the criteria set out in 'Bat Surveys - Good Practice Guidelines – 2nd edition,' by the Bat Conservation Trust (BCT) (2012), together with a Method Statement and mitigation strategy as necessary shall be submitted to and agreed in writing by the local planning authority. Such recommendations shall inform the layout and the approved works/mitigation measures shall be implemented unless otherwise approved in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

09. Prior to the submission of any reserved matters application a detailed badger mitigation strategy shall be submitted to and agreed in writing by the local planning authority. Once approved such strategy shall inform the layout of development and any on-going measures shall be implemented and retained all times.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

10. The development hereby permitted shall not be commenced unless details of measures for the enhancement of biodiversity have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

11. The development hereby permitted shall not be commenced (including any hedge or tree removal) unless a Hedge Removal Method Statement detailing precautionary measures to avoid harm to dormice, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and The Habitats Regulations 2010.

12. The development hereby permitted shall not be commenced (including any ground works or site clearance) unless a Reptile Mitigation Plan detailing measures to avoid harm to slow worms, has been submitted to and agreed in writing by the local planning authority. The works shall be implemented in accordance with the

approved details and timing of the mitigation plan / method statement, unless otherwise agreed in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

13. 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 (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of visual amenity and highway safety to accord with Policy ST5 of the South Somerset Local Plan.

14. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

15. 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, motorcycle and cycle 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 interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

16. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

17. No work shall commence on any dwelling on the development site hereby permitted until the access works (Ghost Island right turn Lane) as shown generally in accordance with Drawing Number FMW1159T have been carried out

in accordance with a design and specification to be approved in writing by the local planning authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

18. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections have been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

19. No vehicular or pedestrian access shall be formed from the site direct to Ricksey's Lane other than the proposed emergency access point, details of which shall be submitted and approved in writing by the LPA, such works to be completed before occupation of any dwelling on the site.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

**Informatives:**

01. You are reminded that the highway authority has requested that a condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to any works commencing on site, and that any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the highway authority once all works have been completed on site.
02. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
03. Please be aware of the comments set out within the Environment Agency's letter dated 12/09/2013.
04. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager South Somerset District Council Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

Area North Committee – 18 December 2013

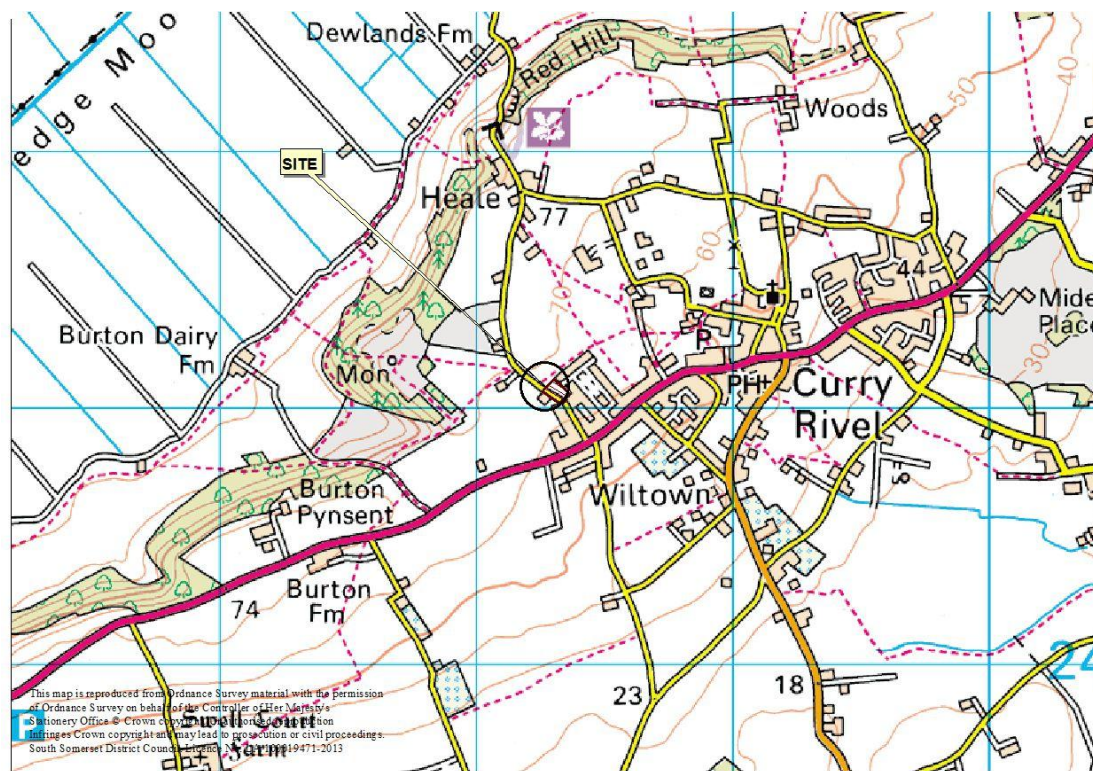
## Officer Report On Planning Application: 13/04224/OUT

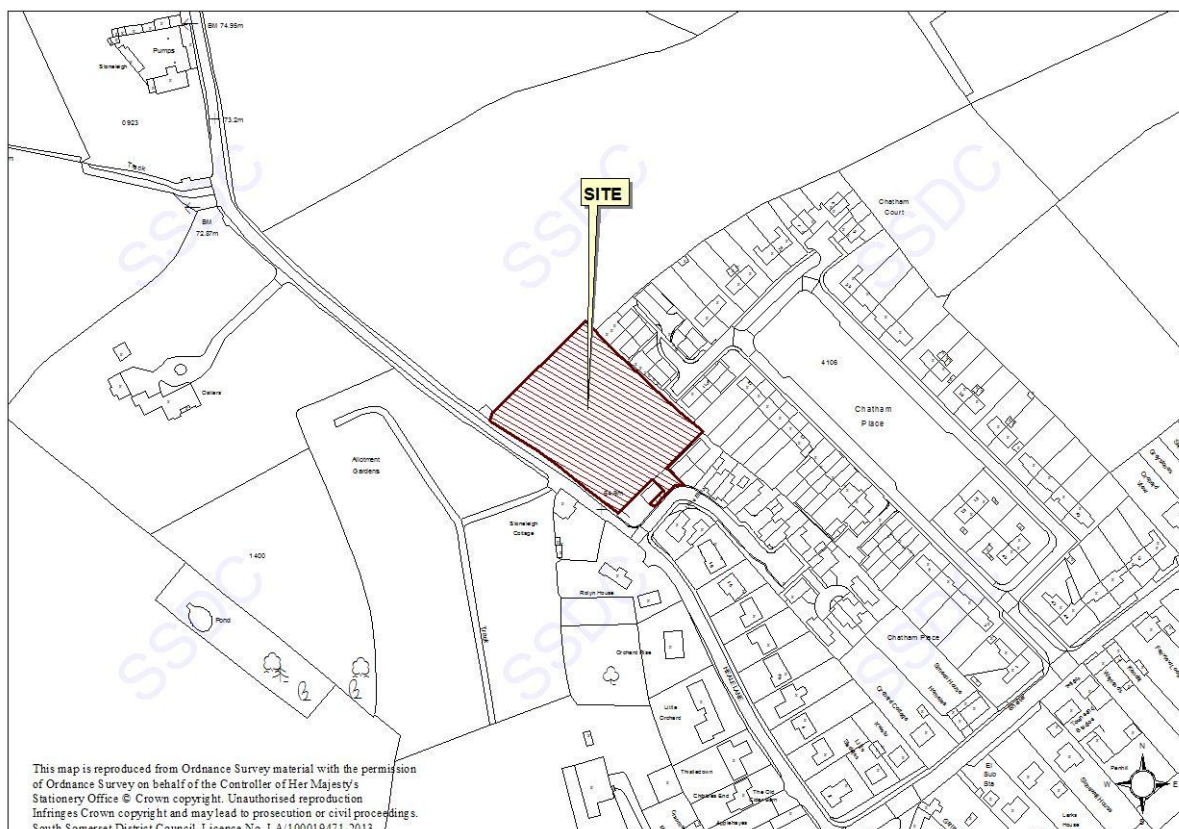
<b>Proposal :</b>	Outline application for residential development of 6 dwellings (GR 338314/125060)
<b>Site Address:</b>	Land Off Heale Lane, Curry Rivell.
<b>Parish:</b>	Curry Rivell
<b>CURRY RIVELL Ward (SSDC Member)</b>	Cllr Terry Mounter
<b>Recommending Case Officer:</b>	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	9th December 2013
<b>Applicant :</b>	West Of England Developments (Taunton) Ltd
<b>Agent: (no agent if blank)</b>	Peter Smith Design Service Ltd, Hollyfield, Hewish, Crewkerne TA18 8QR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO AREA NORTH COMMITTEE:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, given the Council's current lack of a demonstrable 5 year housing land supply, ST3, as a policy to constrain development, conflicts with the National Planning Policy Framework. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission to erect six dwellings. The application as initially submitted sought to agree the matters of access, layout and scale, however, it has since been amended to agree the detailed matter of scale only with all other matters of access, appearance, landscaping and layout reserved for later consideration. The proposed scale is for up to 6 dwellings, a mix of single and 2-storey units.

The application site comprises a single agricultural field 0.49 hectares in an area that abuts but lies outside the development area for Curry Rivel. To the northeast and southeast of the site is residential development whilst to the northwest is agricultural land, with allotments on the opposite side of Heale Lane to the west. The site slopes down gently from northwest to southeast and there is a public footpath which passes through the northwest end of the field leading off Heale Lane in the northwest corner across to the northeast corner.

The application is supported by a Planning Statement, which incorporates a Design & Access Statement, and an Ecology Survey Report.

### RELEVANT HISTORY:

13/02709/OUT: Outline application for up to 16 dwellings. Refused for the following reason:

- *“The proposal that seeks up to 16 dwellings represents over-development in this semi-rural location involving an unsustainable site by virtue of its distance from essential services contrary to policies ST3, ST5 and ST6 of the South Somerset Local Plan (adopted 2006) and paragraphs 30, 37, and 66 of the National Planning Policy Framework.”*

An appeal has been lodged against this decision and is pending consideration by the Planning Inspector.

801787: Outline application for the erection of six dwellings adjoining Little Elms. Refused.

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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST2 – Villages  
 ST3 - Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 ST10 - Planning Obligations  
 EC3 - Landscape Character  
 EC7 - Networks of Natural Habitats  
 EC8 - Protected Species  
 EU4 - Water Services  
 TP1 - New Development and Pedestrian Movement  
 TP4 - Road Design  
 TP7 - Car Parking  
 CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development  
 CR3 - Off-Site Provision

National Planning Policy Framework:

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

## **OTHER POLICY CONSIDERATIONS:**

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

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13)

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still does not have a demonstrably deliverable 5



year housing land supply. 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) and 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 Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

## CONSULTATIONS

**Curry Rivel Parish Council:** No objections to this latest scheme but recommend that the footpath through to Chatham Place be omitted.

**Area Engineer:** (Comments from previous application) Identified no flood risk for the site. Sought details of drainage proposals (SUDS) to be agreed by condition.

**County Highways:** No comments received in respect of the current application, however, they raised no objection to application 13/02709/OUT, subject to a number of conditions, which included an identical means of access to the site.

**Leisure Policy:** The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £5,247.64 per dwelling (equating to an overall total of £31,485.81) which can be broken down as:

- £20,261.77 for local facilities;
- £7,167.49 for strategic facilities;
- £3,744.82 as a commuted sum towards local services;
- £311.74 as the Community Health and Leisure Service administration fee.

**Open Space:** The application is too small to support its own open space and there is no open space nearby, therefore I will not be seeking any contributions.

**Landscape Officer:** Assuming there is a local housing need, then I have no issue with the principle of this proposal, being contained on two and a half sides by existing built form and projecting no further into the open countryside to the north than the adjoining residential units at Chatham Rise. I note that the site is well-enclosed by existing hedges to the north and west, which adds the enclosure of the site.

I have no issue with the layout and am pleased to note the additional hedgerow being proposed to the northwest boundary which would assist in containing the site. If minded to approve, please condition a detailed landscape proposal be submitted in tandem with any future reserved matters layout.

**Ecology:** (Comments from previous application) No objection. The ecology survey did not identify any significant issues although it does recommend some precautionary measures to minimise risk of harm to legally protected species which could be endorsed by an informative. I also support the measures for enhancement, detailed in the report and raised by Somerset Wildlife Trust in their response, which is encouraged by the NPPF (para. 118).

**Somerset Wildlife Trust:** (Comments from previous application) Requested a condition

to secure the ecological survey recommendations.

**Planning Policy:** (Comments from previous application) 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 Rights of Way:** No objection but noted that a public right of way crosses the site and asked that the developer be informed that there should be no obstruction to the right of way and that it should be kept open unless a stopping up / diversion order was in

effect.

**Strategic Housing:** As the site is outside development limits we would expect 100% of the dwellings to be affordable.

**Wessex Water:** Raised no objections but noted that the development will affect an existing water main that crosses over the site and that building over the main will not be permitted but that it may be possible to divert the main, subject to their agreement.

## REPRESENTATIONS

Written representations have been received from seventeen local residents raising the following comments and concerns:

- The site is outside the village development boundary.
- This is a greenfield site.
- There are other suitable sites in the village.
- If approved it will set a dangerous precedent.
- Policy ST3 remains appropriate to control development outside settlement boundaries and is consistent with the NPPF.
- The development does nothing to enhance the community.
- Expansion of the village will stretch local services, such as school places, the doctors surgery, effectiveness of the police, water supply, broadband.
- This is for outline permission and the number of houses could be increased.
- The original scheme was refused as it was considered to be unsustainable by virtue of its distance from essential services. This also applies to the current scheme.
- With the absence of any affordable housing provision this is a further reason to object.
- The village does not need any further housing, there are still unsold new houses built within the last 12 months.
- The footpath must be kept at a suitable width, allowing for growth of the hedgerow.
- Highway safety. Access to the development from Burton Close is on a blind bend which is already a hazard. The addition of up to 16 more cars coming and going will lead to road traffic accidents in Heale Lane.
- Access onto a narrow often very busy road which bottlenecks just north of Burton Close presents a hazard.
- There are often vehicles parked close to the access on to Heale Lane which cause HGV's to mount and damage the pavement.
- People do not abide by the 30mph speed limit along Heale Lane.
- Increased hazard to pedestrians. Two pedestrians have recently been injured by large vehicles.
- Provision of sufficient parking.
- Access problems for emergency and waste vehicles.
- Drainage. The overworked drainage, surface water and sewerage infrastructure would be put under further strain. The additional hardsurfaces will increase surface water runoff that flows down Burton Close and already causes localised flooding during heavy rainfall.
- Residential amenity. A garage is positioned in front of our living room window and will cause loss of light, be over bearing and unsightly.
- Loss of a view.

- The hedgerows should be maintained or improved to ensure the ecology of the site is protected.
- If approved please impose conditions to restrict the number of houses to six and to ensure that no access will lead out of the development into Chatham Rise.
- Chatham Place has gained a reputation locally for anti-social behaviour, the footpath will aid transfer of the problems of that estate to Burton Close and Heale Lane.

## APPLICANT'S CASE

*“The site is well located within the village and has immediate access to all the services, facilities and transport links available to the village as a whole. The primary school, shops, post office, filling station and shop and public houses are all within 1.5 miles with a continuous footpath. There is a bus shelter and bus stop approximately 200m from the site.*

*The proposed development will support these services and increase their utilisation, thereby contributing to their future security and viability.*

*Landscaping and planting will be incorporated which will make a positive contribution to landscape and nature interests.*

*The built development will incorporate highly energy efficient construction to ensure efficient use of fuel and natural resources.”*

(para 6.1-6.4, Planning Statement)

## CONSIDERATIONS

This application is seeking outline planning permission to erect six dwellings. The application as initially submitted sought to agree the matters of access, layout and scale, however, it has since been amended to agree the detailed matter of scale only with all other matters of access, appearance, landscaping and layout reserved for later consideration. The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape and visual amenity;
- Residential amenity;
- Highway safety;
- Ecology; and
- Planning obligations.

### Principle

It is acknowledged that the site is located outside the defined development area for Curry Rivel, where residential development is normally strictly controlled by local and national planning policies. However, in the decision at Verrington Hospital (11/02835/OUT) the Inspector concluded that the Council could not demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector at Slades Hill (12/03277/OUT) concluded that the Council still unable to show a five- year land supply.

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 settlement boundaries should be considered on their own merit. Schemes may be acceptable in principle for residential development if they are in a sustainable location, i.e. have good access to local facilities and services such as shopping facilities, health care, employment, education, recreational facilities, good public transport links, and subject to there being no other significant material planning objections.

This stance acknowledges that the emerging local plan allows modest levels of development in rural settlements, such as Curry Rivel (policy SS2). 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, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

Further to the above, it should be noted that this application follows an outline application (13/0209/OUT) submitted earlier this year for up to 16 dwellings on this site and which was referred to and refused by Area North Committee in September for the following reason:

- *“The proposal that seeks up to 16 dwellings represents over-development in this semi-rural location involving an unsustainable site by virtue of its distance from essential services contrary to policies ST3, ST5 and ST6 of the South Somerset Local Plan (adopted 2006) and paragraphs 30, 37, and 66 of the National Planning Policy Framework.”*

This decision is currently being challenged at appeal and the Inspector's decision is awaited.

Under the current application the scale of the proposed development has been substantially reduced to 6 dwellings, which equates to 12 dwellings per hectare and is a very low density scheme compared to existing adjacent development. This low density is considered to be a more appropriate level of development that better respects its edge of settlement location and addresses the previous concerns raised relating to over-development. As set out above, the level of services and facilities to be found within the village and the site's easy walking distance of a nearby bus stop, in the view of Planning Policy, accords with the objectives of sustainable development as set out within both the emerging local plan and the NPPF. As such, this revised proposal for up to six dwellings is considered to be, in principle, acceptable.

### **Landscape Impact and Visual Amenity**

The site is contained on two and a half sides by existing built form and projects no further into the open countryside to the north than the adjoining residential units at Chatham Rise. There are relatively robust, mature hedgerows growing along the northwest and northeast boundaries as well as along Heale Lane to the southwest which helps to contain the site visually. The Landscape Officer has raised no substantive landscape concerns with regard to the development of this site, subject to a condition requiring a

detailed landscaping scheme.

The scale of the development, including 6 residential dwellings either single storey and two storey in height, is considered to generally accord with the scale and character of neighbouring development. Whilst the matters of layout and access are all to be agreed at reserved matters stage, the suggested cul-de-sac layout and access arrangements, with access derived via Burton Close, raise no significant visual amenity concerns and demonstrate how the site might be developed in a manner that is in keeping with its surroundings. Whilst a condition is sought by the Landscape Officer, this is a 'reserved matter' and the detail will be submitted in due course as part of the subsequent reserved matters application.

### **Residential Amenity**

The occupants of the bungalows, 1 & 2 Burton Close, situated adjacent to the southeast side of the site have expressed concern with regard to the position of the garage for Plot 6, which they say will block their light and outlook. These concerns are noted, however, bearing in mind the matter of layout is no longer to be agreed through the current outline application this is not considered to be a reason to object to this application and can be addressed through any future reserved matters application. Given the size of the overall site and the relatively low density of the scheme, there is no reason why a satisfactory layout and design could not be achieved that did not harmfully impact upon the amenities of surrounding neighbours.

### **Highway Safety**

As noted above, vehicular access is indicated as being via Burton Close, with an alternative pedestrian route via Chatham Rise and is the same in terms of its indicative position, layout and design to that proposed for the previous application. A number of local residents have expressed concern as to the impact the proposal will have upon highway safety given the position of the access on the sharp bend in Burton Close, on-going issues of on-road parking and the narrow width of Heale Lane. The highway authority, however, raised no objection to the principle of an access in this position for the previous, much larger scheme, or any concerns relating to any adverse impact upon the surrounding highway network. As such this application is considered to raise no substantive highway safety concerns.

### **Ecology**

The council's Ecologist is satisfied with the Ecology Report that accompanied this application, which did not identify any significant issues. An informative to remind the applicant of the precautionary measures set out in the report to minimise the risk of harm to legally protected species is however recommended.

### **Planning Obligations**

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £5,247.64 per dwelling (equating to an overall total of £31,485.81) which can be broken down as:

- £20,261.77 for local facilities;
- £7,167.49 for strategic facilities;
- £3,744.82 as a commuted sum towards local services;
- £311.74 as the Community Health and Leisure Service administration fee.

Provided these contributions are secured by way of a Section 106 Agreement the

application is considered to comply with Policy ST10 of the SSLP. The applicant has raised no objection to these contributions.

### **Other Matters**

The indicative layout plan details the position of the public footpath in its correct position and there is no reason why the footpath or the amenities of users of this right of way should be adversely affected by the proposal.

The matter of drainage has been raised by a number of local residents stating that the existing foul drainage system is already overworked and that the proposal will add to this as well as lead to increase runoff from the site. Neither Wessex Water nor the council's drainage engineer have raised these matters as being of concern and subject to a suitable foul and clean drainage condition to agree such drainage details this issue is not considered to be a reason to object to the application.

One further matter of concern raised relates to a proposed pedestrian link from the site through to Chatham Rise to the northeast, and the issue of anti-social behaviour. There is no evidence however that such an issue exists in the area or that the proposed pedestrian route would lead to the spread of any anti-social activities into neighbouring Burton Close. The restriction in the movement of local residents would not, in any event, be a satisfactory way of addressing such concerns. Bearing in mind this application is not seeking to agree layout or access details at this time, this is not considered to be a reason to withhold granting planning consent. This issue would be looked at in detail at the reserved matter stage when access will be considered.

### **Conclusion**

Notwithstanding the local concerns, the provision of up to six houses in this sustainable location would contribute to the council's housing supply without representing an over-development of the site or leading to any demonstrable harm to landscape, residential or visual amenity, ecology or highway safety, as such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF and is recommended for approval.

## **RECOMMENDATION**

Permission be granted subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-
  - (a) financial contributions towards offsite recreational infrastructure of £31,485.81 to the satisfaction of the Assistant Director (Wellbeing) broken down as:
    - £20,261.77 for local facilities;
    - £7,167.49 for strategic facilities;
    - £3,744.82 as a commuted sum towards local services;
    - £311.74 as the Community Health and Leisure Service administration fee.
  - (b) a monitoring fee of £500 to the satisfaction of the Development Manager.
2. The following conditions:

## Justification

The provision of 6 dwellings in this sustainable location would contribute to the council's housing supply without demonstrable harm to visual or residential amenity, ecology or highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, ST9, ST10, EC3, EC7, EC8, EP1, EU4, TP1, TP4, CR2, CR3 and HG7 of the local plan.

## CONDITIONS

01. Details of the access, appearance, landscaping and layout (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The site hereby approved for development shall be as shown on the submitted location plan received 14/10/2013.

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

04. The development hereby permitted shall comprise no more than 6 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

## Informatives:

01. Please be mindful of the precautionary recommendations made in Section 7 of the Ecology Survey Report, by Michael Woods Associates dated January 2013.



Area North Committee – 18 December 2013

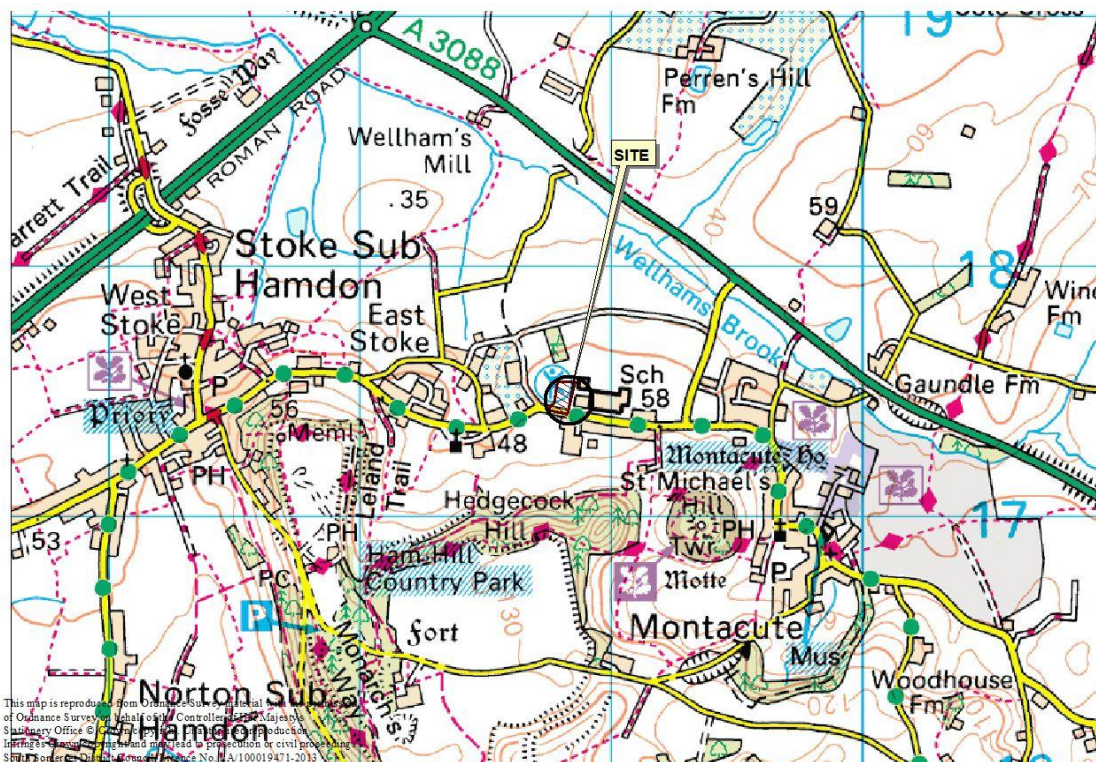
## Officer Report On Planning Application: 13/03622/FUL

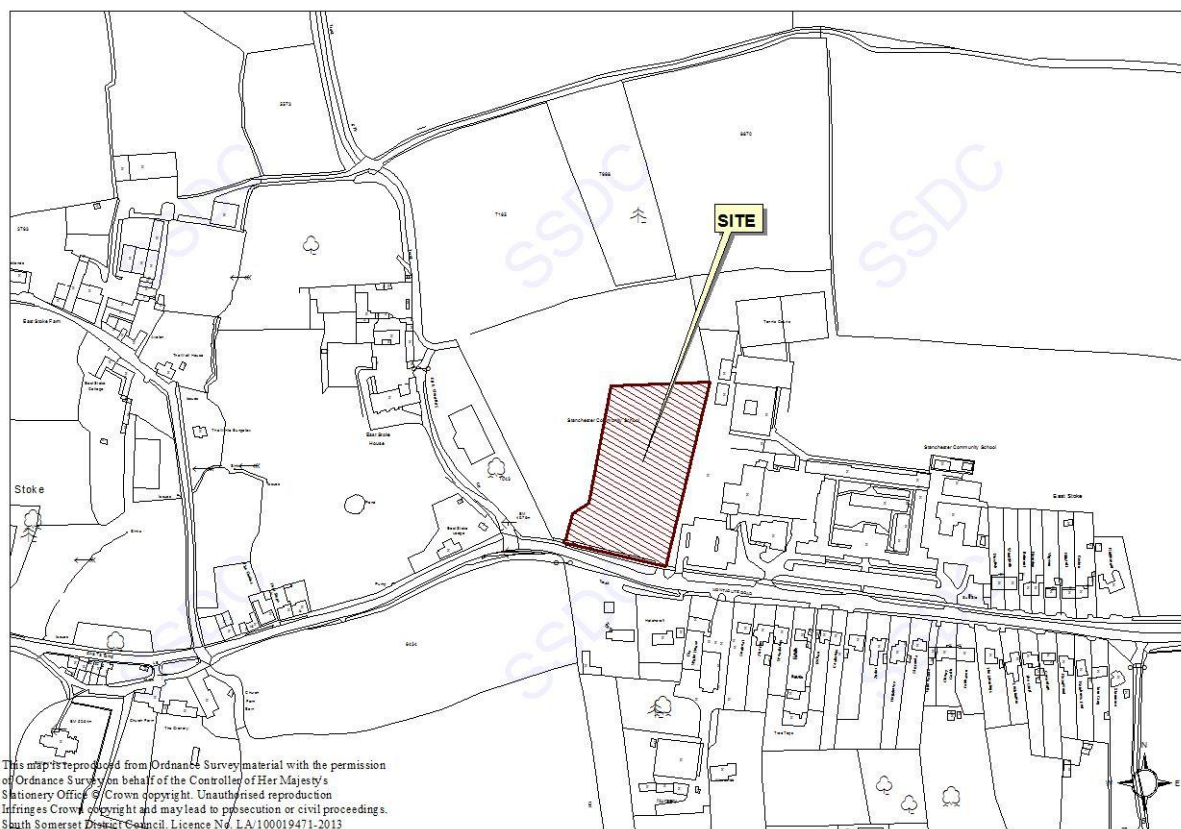
<b>Proposal :</b>	Erection of 18 dwellings and associated works including a new vehicular access, parking, open space and landscaping (GR: 348780/117513)
<b>Site Address:</b>	Land Adj East Stoke House, Montacute Road, East Stoke.
<b>Parish:</b>	Stoke Sub Hamdon
<b>ST MICHAELS Ward (SSDC Member)</b>	Cllr Jo Roundell Greene
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	6th December 2013
<b>Applicant :</b>	Mr & Mrs S Shuldham
<b>Agent: (no agent if blank)</b>	Mr Matt Frost, Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, given the Council's current lack of a demonstrable 5 year housing land supply, ST3, as a policy to constrain development, conflicts with the National Planning Policy Framework. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission to erect eighteen dwellings and to carry out associated works including a new vehicular access, parking, open space and landscaping.

This application site is situated immediately to the west of Stanchester Community School, a secondary school, but is some distance from the nearest designated development area (approximately 1.1km to the west of the site). There are a number of facilities in close vicinity to the site including a sports centre within the Stanchester School grounds, a grocery store and is located on a bus route.

The site is greenfield land and forms part of a larger agricultural field which gains access via Montacute Road (classified C road) to the south with the existing access positioned within the southeast corner of the site. The land is raised up above the road with a low retaining stonewall along the road frontage and raised bank behind planted with mature trees. The application field is bounded by mature tree and hedge planting along the west and east boundaries with a row of conifers growing along part of the north boundary. The application site is adjacent to agricultural land to the north and west, with a number of houses located on the opposite side of the road to the south and school to the east.

The site is adjacent to East Stoke conservation area and East Stoke House, East Stoke Lodge and Lodge Gates, all grade II listed, a short distance to the west. The site is situated just to the east of an area of high archaeological potential and relatively close to a number of archaeological features including two Scheduled Ancient Monuments, (SM) Hamdon Hill Camp and Montacute Castle, and another area of high archaeological potential which covers much of the escarpment to the south and the village of Montacute to the east.

This application is supported by:

- Planning statement;
- Design and access statement;
- Ecological survey;
- Planting plan;
- Tree report;
- Landscape impact appraisal;
- Transport statement and swept path analysis.

The application as originally submitted sought to erect twelve, four-bedroom detached houses and four, three-bedroom and two, two-bedroom terraced houses for affordable housing. During the course of the application the scheme has been amended, at the behest of the Strategic Housing team, to include twelve, four-bedroom detached houses and two, three-bedroom and four, two-bedroom terraced houses.

## RELEVANT HISTORY

13/04162/EIASS: Request for an EIA screening opinion in respect of a residential development. EIA not required.

## 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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST3 - Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 ST9 - Crime Prevention  
 ST10 - Planning Obligations  
 EC3 - Landscape Character  
 EC7 - Networks of Natural Habitats  
 EC8 - Protected Species  
 EH1 - Conservation Areas  
 EH5 - Development Proposals Affecting the Setting of Listed Buildings  
 EH11 - Archaeological Sites of National Importance (Scheduled Ancient Monuments)  
 EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites  
 EP1 - Pollution and Noise  
 EP3 - Lighting  
 EU4 - Water Services  
 TP1 - New Development and Pedestrian Movement  
 TP4 - Road Design  
 TP7 - Car Parking  
 CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development  
 CR3 - Off-Site Provision  
 CR4 - Provision of Amenity Open Space

## HG7 - Affordable Housing

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural 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 POLICY CONSIDERATIONS

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

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13)

The 2013 Annual Housing Monitoring Report indicates that the Council still does not have a demonstrably deliverable 5 year housing land supply. 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) and 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 Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

## CONSULTATIONS

**Stoke Sub Hamdon Parish Council:** No observations or objections.

**County Highways:** No objection to the principle of the proposal. Initial technical issues raised have been addressed satisfactorily ensuring that the development is compliant with the NPPF in so far as the access is considered safe and suitable. The internal estate road is also considered to be generally acceptable although the applicant will need to liaise with the estate road team regarding any future Section 38 Agreement and Advance Payments Code liabilities that may exist on the site. It is recommended that the following conditions be imposed:

- A scheme to ensure that all vehicles leaving the site do not emit dust, mud or other debris on the highway;
- Secure the new access in accordance with drawing 3235/001A Rev E;
- Details of surface water disposal;
- Estate roads details;
- Construction of roads to connect each dwelling to highway prior to occupation;
- Secure parking and turning areas;
- Provision of secure cycle facilities;

- Stopping up of existing access;
- Provision of visibility splays;
- Condition survey of public highway;
- Construction Management Plan;
- No work commence unless a right to discharge surface water has been obtained.

**Arborist:** Initially objected and raised a number of concerns including:

- Proximity of Units 13 and 18 to trees within the school grounds.
- Concerned that a number of the roadside trees would need to be removed to meet highway requirements.
- The trees to the south may have the potential to adversely affect Units 16 - 18.
- Lack of protective measures for the trees to the west of the site.
- The detail and species mix of the planting scheme.

The amended landscaping and site-layout details have addressed these concerns.

**County Archaeology:** The site is within an area where archaeological remains have been recorded and is very close to an area of High Archaeological Potential and therefore is likely to impact on a heritage asset. It is recommended that the developer be required to archaeologically investigate the potential heritage asset and provide a report on any discoveries made as indicated in paragraph 141 of the NPPF. This should be secured by the use of model condition 55.

**Climate Change Officer:** Cannot support this development as currently presented because the road layout does not maximise the opportunity for south facing roof space or garden space.

It is disappointing to see no mention of energy use or solar orientation in any of the supporting documents. Key to effective solar heat gain, light penetration, enjoyment of garden space and efficient use of renewable energy is orientation of roof space and the back wall as closely as possible to south. Eight of the eighteen houses have useable south facing roof space but all with north facing gardens. It is evident that no consideration has been given to solar orientation. Substantial improvement could be made within the restraint of the currently proposed road layout.

**Conservation:** No objections although initially raised a concern that this appears to be another cul-de-sac layout with no connection or proper relationship with its surroundings. Subsequently, in relation to amended plans notes that, although adjacent to East Stoke conservation area and within its setting and near listed East Stoke House, the form and position of the development will not result in significant harm or impact upon the setting of either. The landscape buffer arrangement will also limit this effect. The larger field and the site within it is a gap feature that sets East Stoke conservation area separately from the existing development on the east side but the treatment along the road frontage will retain this character to a sufficient extent.

**County Education:** No comments. Educational capacity is not an issue here at present.

**Leisure Policy Coordinator:** The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £6,122.98 per dwelling (equating to an overall total of £110,213.65) which can be broken down as:

- £67,927.89 for local facilities;
- £24,863.51 for strategic facilities;
- £16,331.03 as a commuted sum towards local services;
- £1,091.22 as the Community Health and Leisure Service administration fee.

**Open Spaces Officer:** No objections and seek no contributions.

**Environmental Protection:** No objections but noted that there is a floodlit tennis court on the adjacent school site, approximately 60m from the nearest houses. The lights have permission to be used until 22.00hrs and are likely to be visible to at least part of the proposed housing development, however, given the distance involved I do not believe that light spill will extend that far and therefore there will not be any significant impact on amenity.

**Landscape Officer:** Initially raised no substantive landscape objections. Acknowledged that he broadly concurred with the findings of the landscape assessment and asked that the landscape proposal be a condition of planning approval, should the application be permitted. Considers that the amendments improve the scheme.

**Natural England:** Initially observed that the proposal is unlikely to affect any statutorily protected sites or landscapes. It is unclear whether there are suitable habitats or features such as ponds, roosts, hedgerows on or in the vicinity of the application which may support bats, dormice, great crested newts and advise that further clarification on the habitats present and their ability to support the aforementioned species is required. We also recommend that you consult your in-house or retained ecologist on the implications of this application for protected species and other nature conservation interests. No objection raised to the amendments and considers that, on the basis of the information available, the proposed development would be unlikely to affect Great Crested Newts.

**Somerset Wildlife Trust:** Notes the accompanying ecology report makes several recommendations which are supported, however, there are only passing references to bats, dormice, reptiles and amphibians which should be detailed in the report. Any external lighting scheme should be designed so as to minimise light spillage and pollution and that bat and bird boxes be provided in the development.

**Ecology:** Initially noted that Natural England (NE) and Somerset Wildlife Trust (SWT) have raised an issue that there is insufficient information in the Ecology Report to inform the presence of and impact to European Protected Species. The agent considers NE and SWT have misinterpreted the Ecology Appraisal, particularly in respect of the proposed development site constituting only part of the area / site that was subject of the appraisal.

- Great Crested Newts (GCN) - I am unable to rule out the presence of GCN at the site as the site does provide potential habitat for them. I therefore conclude that GCN could potentially be present and harmed by the development and recommend further assessment.
- Badgers - There is a badger sett close to the development area and therefore recommend a condition requiring implementation of badger sett protection measures as described in paragraph 6.7 of the appraisal.
- Reptiles - The surrounding habitats have a high likelihood of supporting reptiles (particularly slow worms) and the change or lack of management of the application site is likely to make it become suitable for colonisation by reptiles within a relatively short period (6 months). I therefore recommend a condition to

survey the presence / absence of slow worms and any mitigation measures.

- Bats - Provided any new lighting minimises light spillage on the tree lines around the site I do not consider there to be a strong justification for further bat surveys. Recommends an informative to address this matter.
- Dormice - The tree lines bordering the site are sub-optimal in quality for dormice and of relatively limited extent in terms of typical dormouse territory. I note that they are mainly being retained, therefore, if dormice are present in the area I consider that it is unlikely that the development will result in any significant harm to dormice. There is no justification therefore to request any further information in this respect.

No further objections or recommendations raised to amendments and is satisfied with the detailed assessment for Great Crested Newts submitted which concluded that the risk of newts being present and affected to be negligible.

**Planning Policy:** No objection. On the basis that South Somerset District Council does not have a five-year land supply and that Stoke-sub-Hamdon is identified as a Rural Centre with potential for limited growth in the Submission South Somerset Local Plan there is no planning policy concerns relating to this proposal.

**Police Architectural Liaison Officer:** Initially concerned that the creation of rear parking courts could be a crime generator as there is no natural surveillance afforded to the vehicles left there. Often this causes vehicles to be left on the street where they can be seen. There is a significant history of vehicle crime along this corridor. It is also offers hidden access to the rear gardens by which the majority of domestic dwelling burglaries are committed.

Subsequently notes that Unit 15 has been orientated to face on to the access to the shared parking area, however, one individual cannot be left to police the whole of the parking court. Rear parking courts are not supported by SBD principles or CPTED (Crime Prevention Through Environment Design). The only option I would favour is to bring the parking into the curtilage to the front of the properties.

**Strategic Housing:** requires 35% affordable housing split 67:33 in favour of social rented without access to further public subsidy (e.g. grant from HCA). Would expect six affordable units with four social rented and two shared ownership or other intermediate solutions. In relation to the amended scheme accepts that one-bedroom units are not really suited to the site, noting that the 'bedroom tax' relates only to rented property.

Based on the current Housing Need Register data and existing social housing stock levels in Stoke-sub-Hamdon the following property mix is requested:

- four, one-bedroom (2 person) houses; and
- two, two-bedroom (four person) houses.

There is no evidence to support any affordable housing requirement larger than two-bedroom. These should be pepper potted throughout the site and designed to blend in with the proposed housing styles.

**Wessex Water:** Raised no objections.

## REPRESENTATIONS

Written representations have been received from two local residents raising the following comments and concerns:

- Increase in traffic on Montacute Road and within Stoke Sub Hamdon and Montacute Village as a result of the development.
- Traffic volume has increased considerably in the last few years due to extra housing, Stancheater School, the community centre and Co-op, plus cars avoiding the A3088.
- Car parking on the road and blind bends in both villages means visibility is poor and very dangerous, lack of pavements and speed of traffic does not help. A zebra crossing to the shop would be a good idea as would traffic lights in the High Street in Stoke and speed islands between Montacute and Stock where appropriate. This could be funded, at least in part, by the developer.
- Will the trees along the road frontage be protected. We live opposite the site and will look straight at the new houses.
- Will the houses, including the social housing, be built from local natural stone and clay tiles.
- What determines the position of the social houses and are local people to be given priority when it comes to the letting of these houses.

## APPLICANT'S CASE

*"The application site comprises suitable housing land in a sustainable location that is immediately available, deliverable and viable for housing development to help address the current identified shortfall in the five-year supply of deliverable housing sites within the district.*

*"This proposed development represents an existing opportunity to bring the application site into active residential use providing a range of housing opportunities in a sensitive and well-designed manner. The design proposals will cause no harm to the character and amenities of the area, or prejudice highway safety."*

(p.35 of the Planning Statement)

## CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on the conservation area and local landscape;
- Residential amenity;
- Highway safety;
- Ecology;
- Planning obligations.

### Principle

It is accepted that the site is located outside the defined development area of Stoke Sub Hamdon, where residential development is normally strictly controlled by local and national planning policies. However in the decision at Verrington Hospital (11/02835/OUT) the Inspector concluded that the Council could not demonstrate a



deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector at Slades Hill (12/03277/OUT) concluded that the Council still cannot show a five- year land supply.

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 settlement boundaries should be considered on their own merit. Schemes may be acceptable in principle for residential development if they are in a sustainable location, i.e. have good access to local facilities and services such as shopping facilities, health care, employment, education, recreational facilities, good public transport links, and subject to there being no other significant material planning objections.

This stance acknowledges that the emerging local plan allows modest levels of development in rural settlements, such as Stoke-sub-Hamden (policy SS5) and East Stoke (policy SS2). 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, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

In this case, the application site is immediately next to Stanchester Community School, a state secondary school which also has a community sports centre, is approximately 50m walking distance from a grocery store and is located on a bus route.

On this basis, and given the services and facilities available in East Stoke and nearby Stoke-sub-Hamden the policy officer considers that the principle of the residential development of this site is acceptable in principle. The application therefore falls to be determined on the basis of its impacts.

### **Impact on the Conservation Area, Listed Buildings and Local Landscape**

The application site is adjacent to Stoke Sub Hamdon conservation area and close to the listed buildings of East Stoke House, East Stoke Lodge and lodge gates to the west of the site.

Development along Montacute Road between the villages of Stoke-sub-Hamdon and Montacute is characterised by clusters of built form separated by intervening fields. The application field offers one of these gaps and assists in breaking-up the potential for ribbon development. The current proposal will consolidate built development alongside Stanchester School, but with the element of open space incorporated within the design and the retention of the mature trees around the site, in particular along the road frontage, the proposal is considered to respect this pattern of development. It is for this reason also that the proposal should not intrude harmfully upon the setting of the nearby listed buildings or conservation area, a view shared by the Conservation Officer. It is further noted that the Landscape Officer broadly accepts the findings of the landscape appraisal that accompanied the application and as such raises no substantive landscape

objection to the scheme.

The Conservation Officer has expressed some disappointment at the cul-de-sac layout of the proposal, however, there is no neighbouring development to link the site to and bearing in mind the need to retain the existing character of the road frontage there is little alternative to this type of layout. In all other respects the general design and proposed building materials, to include local stone, brick, clay tiles, natural slate and thatch, generally accords with the local vernacular and raises no specific visual amenity concerns.

The council's Arborist raised a number of concerns in respect of the detail of the planting and landscaping scheme initially proposed. The latest submitted landscaping / planting details and layout plans however have fully addressed his initial concerns and the Landscape Officer has also endorsed these latest submissions. Provided these details are secured by condition it is considered that the proposal complies with policies ST5, ST6, EC3, EH1 and EH5 of the SSLP and should not therefore be withheld on the grounds visual amenity or landscape impact or the setting of the conservation area or nearby listed buildings.

### **Residential Amenity**

Given the spatial separation between the proposed development and existing residential development in the area the proposal is not considered to cause any demonstrable harm to the amenities of the occupiers of these properties. The local resident who lives opposite the site to the south has expressed concern that the new dwellings might have views into their own property. Any such views however would be quite distant views, approximately 60m from house to house, with the busy Montacute Road between and is not considered to represent a significant loss to the neighbour's privacy.

In terms of the new development, its layout and the orientation and design of the houses is such that each house should be served by an adequate level of amenity space and should not result in any unfortunate overlooking or other poor relationship concerns.

It is noted that there is a floodlit tennis court within the adjacent school site, approximately 60m from the nearest houses, the Environmental Protection Officer however is of the opinion that whilst the lights are likely to be visible in part from the new development there should not be any light spill into the site and should not therefore impact significantly upon the amenities of the future occupiers.

The Police Liaison Officer has expressed concern in relation to the rear courtyard parking arrangement to serve Plots 13-18, noting that they are considered to be a crime generator given the lack of natural surveillance over the area and that it offers hidden access to the rear gardens by which the majority of domestic burglaries are committed. They further note that there is a history of vehicle crime along the Montacute Road corridor. These comments have been brought to the attention of the applicant however the scheme has not been amended to address this concern. Whilst it would be preferable to have this matter addressed it is not, on its own, considered to be such a concern as to be a reason to object to this application. In any case the context of the rear courtyard arrangement in this instance, linking into what will be a fairly small 'private' cul-de-sac, means that anyone leaving the courtyard will need to pass six other properties.

### **Highway Safety**

The development is to be served by a new access in the southwest corner of the site leading on to Montacute Road, a classified C road, with the existing access in the southeast corner of the site to be a pedestrian access and stopped up to vehicular traffic.

The application is supported by a detailed transport assessment, swept path analysis, visibility splay and section drawings. The highway authority is satisfied with the design of the new access, level of visibility for traffic entering and leaving the site, layout of the estate road and level of on-site parking provision and therefore raised no objection to the scheme subject to a number of conditions.

A local resident has noted that traffic along Montacute Road has increased significantly in recent years and that the development will add to the traffic problems in the area, in particular, through Stoke-sub-Hamdon and Montacute villages where on-street parking and the configuration of the roads make for hazardous conditions. They therefore request that the developer be asked to fund improvements such as a zebra crossing to the shop and traffic lights and speed islands in the villages.

It is accepted that the development will generate an increased traffic, however, this will be modest compared to the existing traffic levels along Montacute Road and as such it is not considered to be reasonable to expect the developer of these 18 houses to fund such improvements.

### **Ecology**

Natural England and Somerset Wildlife Trust raised initial concerns that there was insufficient information to determine whether any protected species or their habitat are likely to be adversely affected by the proposed development. Following further clarification from the applicant in relation to their initial ecological appraisal and the submission of a Great Crested New Habitat Assessment, it was accepted by both Natural England and the council's Ecologist that the proposal should not adversely affect any protected species. Conditions relating to badgers and reptiles are sought to ensure their protection.

### **Archaeology**

The site is immediately adjacent to an area of high archaeological potential and within an area where archaeological remains have been recorded, the County Archaeologist has therefore requested a condition to secure a programme of archaeological works prior to commencement.

There are two Scheduled Ancient Monuments (SM), known as Hamdon Hill Camp and Montacute Castle, located on raised ground to the south of the site. These SM's are some distance away however and given the context of the site relatively low in the landscape and positioned alongside existing built development it is not considered that the proposal will impact upon their settings.

### **Planning Obligations (s106 Agreement)**

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £6,122.98 per dwelling (equating to an overall total of £110,213.65) which can be broken down as:

- £67,927.89 for local facilities;
- £24,863.51 for strategic facilities;
- £16,331.03 as a commuted sum towards local services;
- £1,091.22 as the Community Health and Leisure Service administration fee.

Provided these contributions are secured by way of a Section 106 Agreement the application is considered to comply with Policy ST10 of the SSLP. The applicant has

raised no objection to these contributions.

The County Education Officer has not identified any known capacity issues within the local schools and does not therefore seek any education contributions.

The scheme incorporates six affordable houses which equates to 35% of the total number of houses on the site. The six affordable houses (Plots 13-18) will comprise four, two-bedroom houses for social rent and two, three-bedroom houses on a shared equity basis, which has been accepted by the Strategic Housing team. Strategic Housing have asked that the affordable housing be pepper-potted through the development however the scheme is only seeking 18 houses in total and it is not considered necessary to adopt this approach for a development of this scale.

Accordingly should this application be approved a Section 106 agreement will be necessary secure these off-site contributions and affordable housing.

### **Other Matters**

The Climate Change Officer has expressed concern at the orientation and design of the houses, which does not make full use of passive solar radiation, and that the scheme does not incorporate any renewables. Unfortunately in this instance the shape of the site and its sensitive context next to a conservation area does not lend itself to a south/north orientation for the road layout. There is the opportunity however for future occupants to incorporate renewables such as solar panels and / or air source heat pumps without compromising the quality of the scheme.

### **Conclusion**

Given the Council's lack of a five-year housing land supply and the site's location, easily accessible to a number of local facilities and services, it is considered that the location is sustainable in nature and therefore acceptable in principle for a limited level of residential development. No substantive adverse impacts on the landscape, setting of the adjacent conservation area and listed buildings, visual and residential amenity, ecology and highway safety have been identified that would justify withholding planning permission. For these reasons the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and policies ST3, ST5, ST6, ST9, ST10, EC3, EC7, EC8, EH1, EH5, EH11, EH12, EP1, EU4, TP1, TP4, CR2, CR3 and HG7 of the South Somerset Local Plan and is recommended for approval.

### **RECOMMENDATION**

Permission be granted subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-
  - (a) financial contributions towards offsite recreational infrastructure of £110,213.65 broken down as:
    - £67,927.89 for local facilities;
    - £24,863.51 for strategic facilities;
    - £16,331.03 as a commuted sum towards local services;
    - £1,091.22 as the Community Health and Leisure Service administration fee.

- (b) to secure six of the houses (Plots 13-18) for affordable housing
- (c) a monitoring fee to the satisfaction of the Development Manager.

### Justification

The provision of 18 dwellings in this sustainable location would contribute to the council's housing supply without demonstrable harm to visual or residential amenity, the setting of the conservation area and nearby listed buildings, ecology or highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, ST9, ST10, EC3, EC7, EC8, EH1, EH5, EH11, EH12, EP1, EU4, TP1, TP4, CR2, CR3 and HG7 of the local plan.

### SUBJECT TO THE FOLLOWING:

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

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

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

- 3235/001, 3235/015, 3235/003, 3235/016, 3235/004, 3235/017A, 3235/017B, 3235/005, 3235/018, 3235/006, 3235/019, 3235/007, 3235/020, 3235/008, 3235/021, 3235/009, 3235/022, 3235/010, 3235/023, 3235/011, 3235/024, 3235/012, 3235/025, 3235/013 and 3235/029 received 06/09/2013;
- 3235/026 Rev B, 3235/027 Rev B, 3235/014 Rev B, 13674/SKC001, 13674/AT01, 13674/AT02 and 13674/AT03 received 24/10/2013; and
- 3235/001A Rev E, 3235/028 Rev C and 13674/SKC002 Rev A.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;
- a) materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
  - b) full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
  - c) details of the design, materials and external finish for all external doors, windows, boarding and openings and flues;
  - d) details of the design of the thatch roofs;
  - e) details of the design, external finish and position of all meter boxes;
  - f) details of all new guttering, down pipes, other rainwater goods, and external plumbing;
  - g) details of all boundary treatment;
  - h) details of the surface material for the parking areas.

Reason: In the interest of visual amenity to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

04. No works shall be carried out unless details of the internal ground floor levels of the building(s) to be erected on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. The planting scheme detailed on drawing number 504/01 P4 received 20/11/2013 shall be completely carried out within the first available planting season following the completion of the development hereby permitted. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or by appropriate trees or shrubs as may be agreed in writing by the local planning authority. The approved planting scheme shall not be altered unless the local planning authority gives written consent to any variation.

Reason: In the interest of visual amenity and to safeguard the character and setting of the adjacent conservation area in accordance with Policies ST5, ST6 and EH1 of the South Somerset Local Plan.

06. No development hereby approved shall take place unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policy EH12 of the South Somerset Local Plan.

07. The development hereby permitted shall not be commenced (including any ground works or site clearance) unless a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise agreed in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

08. The development hereby permitted shall only be carried out in full accordance with the badger sett protection measures as described in paragraph 6.7 of the Ecological Appraisal (B1118.004) dated 20/08/2013 by ACE Consulting National Solutions.

Reason: For the protection of a legally protected species to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

09. The development hereby permitted shall not be commenced unless a scheme of external lighting has been submitted to and agreed in writing by the local planning authority. The agreed details shall be carried out in full and shall not be altered unless otherwise agreed in writing by the local planning authority.

Reason: For the protection of bats, which are legally protected species, to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

10. The proposed development shall be served by a new access constructed in accordance with submitted plan 3235/001A Rev E. Such access arrangements shall be provided prior to the commencement of the dwellings and shall be fully completed prior to the occupation of any dwelling hereby approved.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

12. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 visual amenity and highway safety to accord with Policy ST5 of the South Somerset Local Plan.

13. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

14. The areas allocated for the parking and turning of vehicles on the submitted plan 3235/001A Rev E shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

15. The existing access shall be stopped up and its use permanently abandoned for vehicular traffic within one month of the new access hereby permitted being first brought into use.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

16. At the proposed from Montacute Road there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on drawing number 3235/001A Rev E. Such visibility splays shall be constructed prior to the access being brought into use and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

17. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

18. The development hereby permitted shall not be commenced unless a scheme for the maintenance of all areas of communal open space has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully on the completion of that proportion of the total development specified in the scheme and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road, other than those expressly authorised by this permission.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

#### **Informatives:**

01. You are reminded that the highway authority has requested that a condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to any works commencing on site, and that any damage to the highway occurring as a result of this development will have to be remedied by



the developer to the satisfaction of the highway authority once all works have been completed on site.

02. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
  03. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager South Somerset District Council Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
  04. Prior to works commencing on site the Applicant is advised that plans, sections, specifications and calculations of any proposed retaining wall must be submitted to the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls, which are wholly, or partly within 4 yards (3.7m) of a street and which is at any point of a greater height than 4'6" (1.37m) above the level of the ground at the boundary of the street nearest that point.)
  05. Please note the recommendations of the Ecologist and ensure that any lighting be designed so as to minimise or avoid any additional illumination of the tree lines around the site and to avoid the use of high pressure sodium lamps, so as to minimise any potential impact on bats.
  06. You are referred to the comments and recommendations set out within paragraphs 6.8 and 6.9 of the Ecological Appraisal (B1118.004) dated 20/08/2013 by ACE Consulting National Solutions, in relation to badgers.
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Area North Committee – 18 December 2013

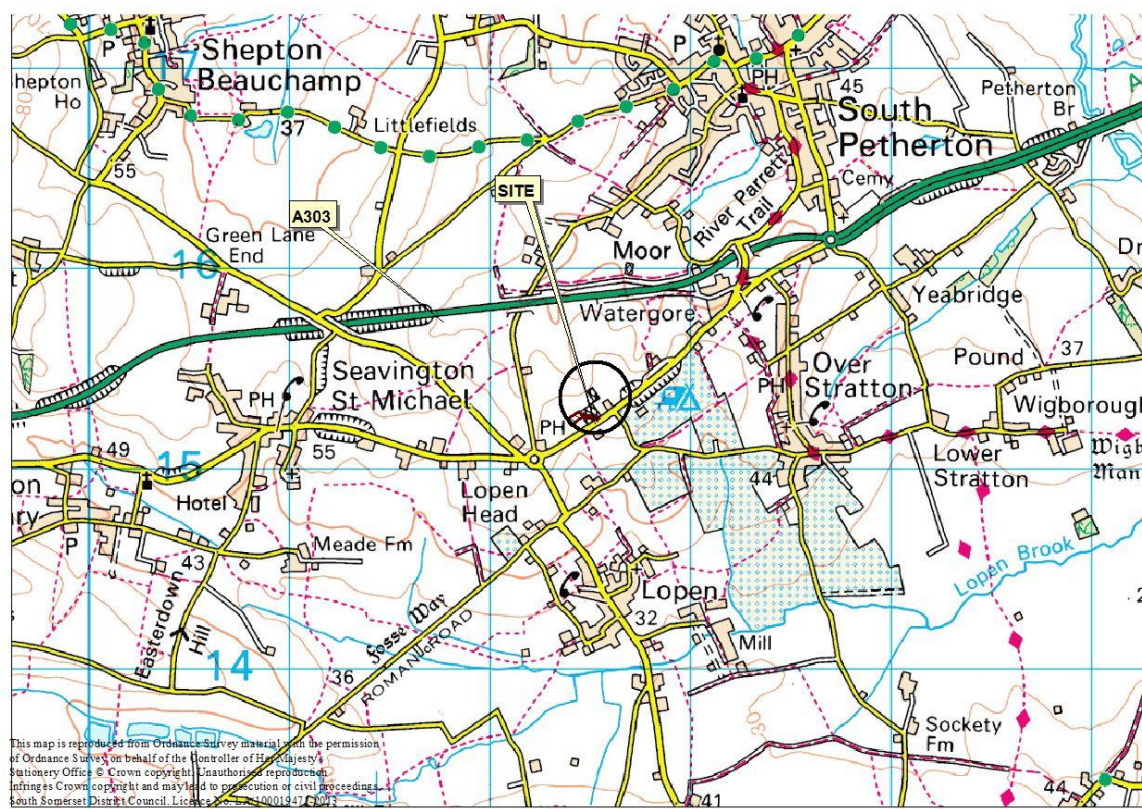
## Officer Report On Planning Application: 13/02787/FUL

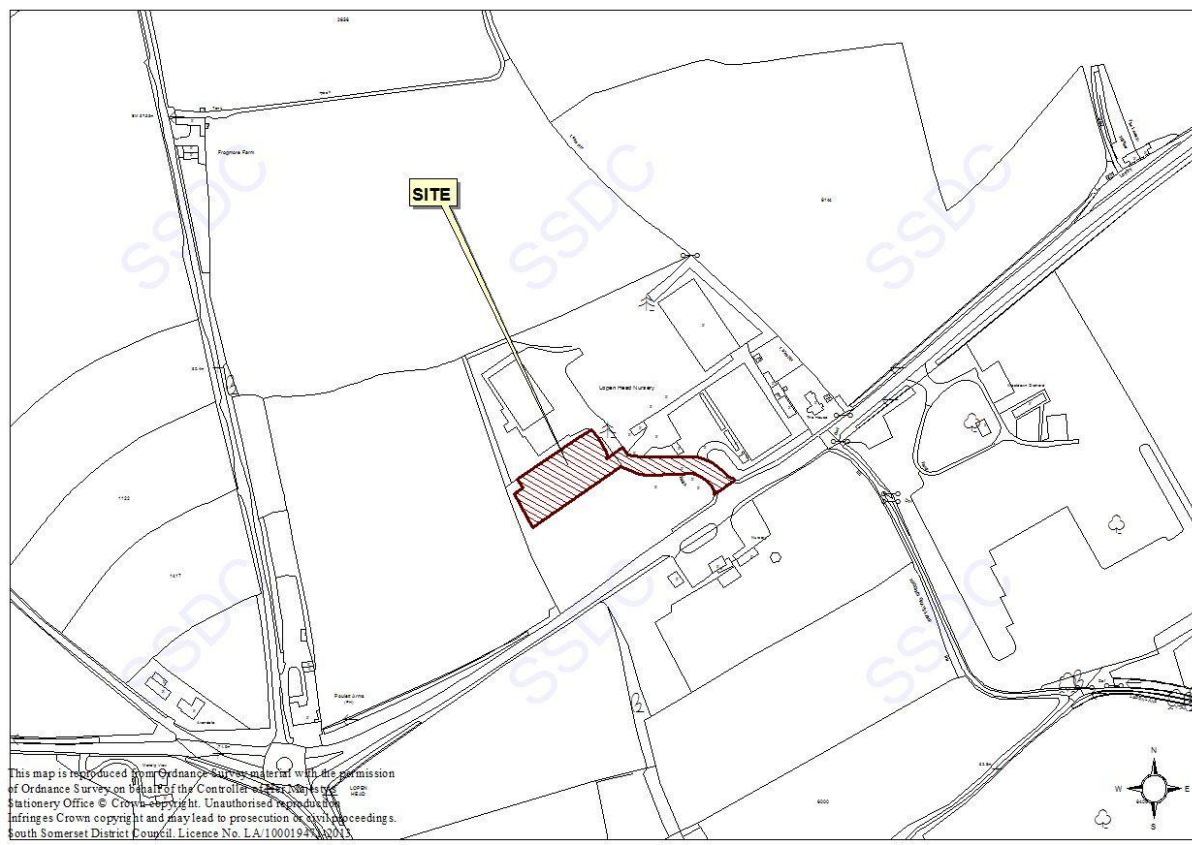
<b>Proposal :</b>	The erection of single storey industrial building (Use Class B1 & B2) subdivided into 4 No. units with ancillary loading bay and car parking. (GR 342553/115366)
<b>Site Address:</b>	Lopen Head Nursery, Lopenhead, South Petherton.
<b>Parish:</b>	Lopen
<b>SOUTH PETHERTON Ward (SSDC Member)</b>	Cllr Paul Thompson Cllr Barry Walker
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	16th September 2013
<b>Applicant :</b>	Mr Andrew Whitehouse
<b>Agent: (no agent if blank)</b>	Lionel Gregory Ltd Unit J1, The Fulcrum Business Park, Vantage Heath, Mannings Heath, Poole BH12 4NU
<b>Application Type :</b>	Minor Manfr less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Development Manager to enable the issues raised to be debated in light of the history of the site.

### SITE DESCRIPTION





The application site is located on the northern side of the old A303, at the former Lopen Head Nursery. The site is currently vacant and extends to 0.16 hectares. The plot sits between 2 employment buildings currently owned by Lift West and Probiotics, sited to the south and north respectively. To the west is agricultural land and to the immediate east is a second Probiotics unit. The site occupies a countryside location approximately 1 km from Lopen and 2 km from South Petherton. The site forms part of a saved employment land allocation in the South Somerset Local Plan - referred to as ME/LOPE/1.

## PROPOSAL

This application seeks consent for the erection of a single storey industrial building for B1/B2 use, a loading bay, 19 parking places and 8 cycle bays. The building is proposed to be divided into 4 individual units with 2 to be utilised by Lift West and 2 speculative units. It will measure 53 metres x 13 metres with a ridge height of 7.3 metres. The ridge height is 0.43 metres higher than the Fork Lift building to the south and 1.1 meters lower than the Probiotics building to the north. A 1.8 metre high security fence will be erected around the perimeter of the site.

The building will be constructed using 'clumber buff' brickwork which is similar to the Lift West Building and composite 'Merlin grey' cladding. The roof will be 'Goosewing Grey' as with Lift West. On the side and rear elevations, 'Merlin Grey' profile sheeting will be used and laid vertically as a contrast to the Probiotics building.

Vehicular access to the site will be via the existing internal access road served via the old A303 road to the south of the site.

## HISTORY

The relevant history for the allocated site is as follows:-

- 08/00053/OUT Development of land for B1 and B2 uses (approved). This application relates to the outline consent for the whole of the allocated employment site.
- 08/00248/FUL Planning permission granted for erection of one B1/B2 industrial building (Probiotics)
- 08/00250/FUL Erection of one B1/B2 industrial building (approved). (Lift West)
- 08/05122/FUL Planning permission granted for erection of one B1/B2 industrial building (Revision of 08//00248/FUL first Probiotics building).
- 09/00670/FUL Planning permission granted for erection of one B1/B2 industrial building (revision of 08/00250/FUL Lift West).
- 09/03849/FUL Planning permission granted for erection of a building for B1, B2 and B8 uses (Second Probiotics building).

Relevant planning history on the adjacent site to the east, outside of the allocated employment site.

- 09/03030/OUT Development of land for B1,B2 and B8 use (withdrawn). This related to land immediately to the east of the current application site, and also included land to the south of the current application.
- 12/00951/FUL Erection of a building for BN1, B2 and B8 uses with associated infrastructure, parking and landscaping. (Approved April 2013 however the decisions currently subject to a judicial review to be heard on the 9th December 2013).

Other relevant history

- 12/00587/EIASS A screening opinion in relation to the development proposed by application 12/00951/FUL concluded that an Environment Impact Assessment is not required.
- 13/04950/EIASS A screening opinion was given in relation to the current proposal which concluded that, when considered as part of the wider scheme, an Environment Impact Assessment is not required.

## 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,

## Saved Policies of the South Somerset Local Plan (Adopted April 2006)

ME/LOPE/1 - Land at Lopen Head Nursery amounting to 1.8 Hectares allocated for employment use (B1 and B2 uses only).

EC3 - Landscape Character

ST5 - General principles of development

ST6 - Quality of development

TP6 - Non residential parking provision.

EC1 - Protecting the best and most versatile agricultural land.

ME4 - Expansion of existing businesses in the Countryside.

## National Planning Policy Framework

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Building a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 11 - Conserving and Enhancing the natural environment

## CONSULTATIONS

**Lopen Parish Council** – recommends refusal of this application for the following reasons:

*Whilst the site is within the allocated land for employment use in the SSDC saved plan 2006, it is a matter of record that key consultees (Including SSDC's own policy team and the planning inspectorate) objected to the allocation as it was not a sustainable location and failed to comply with many of the plan and local/national policies. Numerous relevant saved plan policies remain consistent with the NPPF and, therefore, this application (and the site allocation generally) fails to comply with the NPPF. As the NPPF has passed its one year anniversary, reference to incompatible policies and proposals in the saved plan are irrelevant with, instead, the NPPF and the emerging plan being the only significant considerations.*

*The situation with the emerging plan is unclear as the plan inspector has indicated he regards the approach being taken by SSDC as potentially unsound. What is not disputed is the evidence undertaken by SSDC in the form of the employment land review underpinning the plan which clearly identifies that Lopen and the surrounding area (Including South Petherton) have existing employment land provision / commitments well beyond that required for the duration of the plan.*

*As such, there is no established need for additional employment land at this location. Contrary to the claim in the application papers, the 2 hectare additional employment land for South Petherton is no longer a feature of the emerging plan having been removed by SSDC accepting the inspectors view that there was no evidence to support this scale of allocation.*

*The emerging plan makes it clear that Lopenhead may not be presumed to meet South Petherton's employment needs going forward and, as such, all references to South Petherton's employment needs are irrelevant.*

*Lopen is a rural settlement (a very small one) and both the emerging plan and the NPPF regard these settlements as open countryside where development should be strictly controlled to that which has an identified need, is appropriate to the location both in scale and design, is supported by the community and is justified. None of these apply in this case.*

*The NPPF seeks to protect the best and most versatile land. The proposed site is grade 1 agricultural land and there are numerous local alternative sites available that could meet any identified and justified demand if it existed.*

*Lopenhead is a skyline development viewable for miles in several directions from both private and publicly accessible vantage points. Development at this location does not respect the open countryside location on any level.*

*Part of this application relates to speculative development in open countryside, which, without any identified need, whether speculative or for identified users, is not supported by the NPPF or the emerging plan.*

*The portion of the application that relates to business expansion is unsupported by any evidence that this is needed or justified. Given the timing of this application, it is clear that this is not a genuine business expansion but rather the continuation of a long term strategy to circumvent protective policies to gain a scale of development that would not normally be allowed at this location.*

**South Petherton:** (Adjacent Parish Council) – no comments received.

**Landscape Officer** – notes that proposal already has outline consent and comments: \_

*The location is sited between newly constructed buildings, and there is a landscape masterplan that is previously consented, that will provide planting to contain the site, and separate it from adjacent farmland. The ground plan appears to indicate some additional scope for planting in the close vicinity of the building, in addition to the masterplan planting, and if this land is confirmed as non-operational, then I would advise we seek additional planting by condition, if you are minded to approve.*

*I note the use of materials is to be consistent with that of Lift West, and I note the horizontal emphasis of the cladding, which will help to give the impression that the building is set low against the skyline. I believe these to be the right approach, and have no further issues to raise.*

**Highway Authority** – advises that 'Previous comments apply'. This is in relation to previous applications on the wider employment site where no objection was raised. The Highway Authority concluded that the site access junction would be operating well within capacity.

**Economic Development** – notes the outline consent for industrial use and comments: \_

*We have before us the detail which it is proposed to incorporate. I have noted that this is not speculative, as already there is a known occupier of half of the anticipated development - Lift West who occupy the premises adjacent to this site. I support the opportunity for this business to continue to grow and create a paint shop facility within proximity of its main location, which in turn helps to safeguard many jobs. The one observation that I will share is that of ensuring the area around the two vacant units is not contaminated by the effects of a paint shop. I believe there to be a demand for clean, accessible premises in Lopen, yet would not wish to see the opportunity to attract tenants made more difficult through odours etc.*

*I raise no objections to the presented proposal.*

**Environmental Health Officer** – No observations to make on this application.

**Environment Agency** – no objection to the application subject to informatives in respect of groundwater protection, foul drainage and the implementation of safeguards to minimise the risk of pollution during construction.

In respect of foul drainage, the EA have stated that the applicant has been granted an exemption by the Environment Agency under the Environmental Permitting Regulations 2012. This is for a discharge to surface water from their package treatment plant, with a limit of 5 cubic metres per day. If the proposed development is likely to increase the foul discharge from the site/unit to greater than 5 cubic metres per day, the applicant will need to apply to the Environment Agency for an Environmental Permit.

**Area Engineer** – advises that the applicant will need to confirm that the surface water drainage proposals are in accordance with the agreed strategy for this development.

Officer comment:

The application indicates that surface water will be disposed of via the exiting watercourse. A condition could be attached to any consent to seek and approve the details.

**Wessex Water** – No objections. Applicant will need to agree connection to the water supply.

## REPRESENTATIONS

3 letters/emails have been received from local residents raising the following objections:

- Site was controversially allocated for employment use contrary to Local Plan Inspector's conclusions in terms of lack of identified need, unsustainable and without regard to other possible sites.
- Allocation was to serve small scale employment opportunities, not to serve South Petherton.
- This site has attracted significant unsustainable development contrary to national and local policy
- The saved policy is no longer a significant consideration as it does not comply with policy in the NPPF.
- The local area has sufficient employment land and Lopens' employment provision (potential for 380 jobs) is well beyond population of around 250.
- Additional 2 hectares for South Petherton not supported by the emerging local plan Inspector, - he has raised this as a major issue which the Council must address.
- Loss of agricultural land, no proven need, harmful to local landscape, lack of public transport and inappropriate design.
- Not a genuine business expansion but an apparent long term strategy to circumvent protective policies. Previous premises up for sale demonstrates there is no need for current proposal.
- Not an efficient use of land
- Plenty of employment land in Ilminster.
- No EIA screening
- Spray unit is potentially damaging to the environment
- Outline permission has now expired.
- The employment allocation is not saved and thus out of date
- If granted, the use could be mitigated by restricting use sympathetic to the site ie office, craft workshop etc.

## CONSIDERATIONS

### Principle of development

The application site forms part of a saved allocated employment site at the former Lopen Head Nursery, Lopen. An outline planning consent, of which this site formed part, was granted in 2008 for the whole of the employment site. Subsequent applications have been approved resulting in 3 out of the 4 plots having now been developed. Reference has been made to the original outline consent by consultees and third parties in terms of whether it has expired. To clarify, the outline consent has now lapsed. However, this current proposal is a full application, rather than a reserved matters application and therefore is treated as fresh proposal with no direct connection to the original outline consent.

It is important to state that the employment site allocation at Lopen Nursery is one of the saved policies of the adopted South Somerset Local Plan. Moreover, this allocation has been retained in the emerging local plan. Reference has been made to its current status as a result of the on-going emerging Local Plan process and in particular, the review and reassessment of the amount of employment land in each settlement.

Members will be aware that the Local Plan examination has currently been suspended whilst the Council addresses 3 major areas of concern as identified by the Inspector. One of which is the amount of employment land identified for each settlement. The requirement for additional employment land in South Petherton has now been reduced from 2 hectares to 0.66 hectares, as outlined in the recently published 'Proposed Main Modifications Consultation Document'. With specific reference to the South Petherton Ward, this figure of 0.66 hectares refers to employment land need in addition to the current allocated site at Lopen. Accordingly, the application site is a saved employment site and one that has been retained in the emerging local plan as an existing commitment. Therefore, it is considered that the current proposal for employment use on an allocated employment site is acceptable in principle. The principle is in accord with the saved local plan and should be granted unless adverse harm can be demonstrated.

### Impact on Landscape

The Council's Landscape Officer has commented on the fact that the proposed building will be located between 2 existing employment buildings and the site was part of a wider landscaped masterplan to provide planting to contain the site. It is also considered that there is some scope for additional planting and can be conditioned accordingly. The Landscape Officer is also satisfied with the chosen materials which accord with the materials approved for the Lift West and Probiotics buildings. In addition to its acceptable siting and materials, it is also considered that the scale of the building sits comfortably next to the existing buildings with its ridge height marginally higher than the Lift West unit by 0.4 metres and 1.1 metres lower than the Probiotics building. Accordingly, it is not considered that the proposal will be visually harmful to the local landscape.

### Highways

The Highway Authority has not raised any objection to the proposal. Their comments on this application made reference to previous comments, upon which they raised no objection. The Highway Authority has previously stated that the site access junction would operate well within capacity. The employment site as a whole benefits from a purpose built access and internal road. Moreover, the site is providing adequate parking and cycling parking provision. Accordingly, it is not considered that the scheme would give rise to any adverse highway issues.

### Availability of other Employment Sites

Comment has been made that this proposal could be accommodated on other sites in



the district, in particular the saved allocated employment site on the western edge of Ilminster. The building could in principle be accommodated on that site. However, as an expansion on an existing allocated employment site, it is not necessary for the applicant to go through a sequential process to justify the Lopen site. Moreover, the Ilminster site does not currently benefit from any approved planning permission and a significant sum will be required in terms of providing the required infrastructure, in particular flood/drainage and highway works. Moreover, the Lopen site is allocated for employment uses, infrastructure has been installed on site and half of the building would be used by an occupier of an existing unit on site. Accordingly, the applicant may have considered other site options but is not required to explain why possible other employment sites have not been chosen.

### **Need for the Development**

It is considered that the proposal will meet the needs of an existing business, i.e. Lift West, as well as providing 2 small units on an allocated employment site that would contribute towards employment provision in the locality. Whilst local concerns about the allocation are noted members are reminded that this was agreed in the 2006 local plan, adopted over 7 years ago. As part of the formulation of that local plan the need for employment land was assessed allocations provided to address the need. It would not be appropriate to now seek to challenge this allocation or require the developer to demonstrate the demand for employment space on a site which has been allocated on the basis of an assessment of need.

Accordingly, noting that permissions have since been granted and implemented for employment development which is now occupied and operational, it is considered that, in relation to the development of the remainder of the site, the applicant should be required to demonstrate a need for the buildings.

### **Environmental Impact Assessment (EIA)**

The applicant did not seek a screening opinion from the Council prior to the submission of the application. During the course of the assessing the application, the Council has screened and assessed the application against the EIA regulations. As an individual development it does constitute Schedule 2 development as it falls below the threshold of 0.5 hectares for Infrastructure projects. Nevertheless, mindful of the potential for a cumulative impact the Council has screened the proposed development as part of the wider employment site. The Council's view is that the cumulative impact of the proposal and existing development at the Lopen employment site would not give rise to such significant environmental impacts that an EIA is necessary.

### **Other Issues**

Comment has been made that the applicant should be utilising Lift West's recently vacated premises at Seavington rather than applying for this additional site. The applicant has previously stated that the main reason for the move to the site at Lopen was because the Seavington site was cramped and there was a need for a larger site to accommodate a growing company. Moreover, there was also an issue with large delivery/collection lorries blocking part of the adjacent highway due to the lack of suitable space within the site. It is considered that applicant has invested in a new site at Lopen and an expansion of his business on an adjacent site, on an allocated employment site is considered to meet both saved Policy ME4 of the SSLP and paragraph 28 of the NPPF.

Concern has been raised that the use of one of the units for a paint spray workshop could potentially be harmful to the local environment. This activity would fall under the B2 use class and is located on a site that is allocated for such a use. Whilst it is appreciated that this has the potential for harmful impacts, there has been no objection from the Council's Environmental Health Officer or the Environment Agency. Moreover, other

legislation and guidance exists to deal with paint spraying and the applicant would need to ensure that they abided by the appropriate legislation/guidance.

## **SECTION 106 PLANNING OBLIGATION**

Not applicable to this application.

## **RECOMMENDATION**

Grant permission subject to the following conditions

### **Justification**

The proposed development by reason of its design, scale, siting and materials is considered to respect the character and appearance of the area, will provide employment opportunities on a saved allocated employment site and will provide a satisfactory means of access. The scheme accords with Policy ST5, ST6 ME4 and EC3 of the South Somerset Local Plan and to policy in the NPPF.

### **SUBJECT TO THE FOLLOWING:**

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

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

02. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure that there is a permanent area for parking on site to accord with the adopted County Parking Standards.

03. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls, roofs and security fencing have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the area to accord with saved Policy ST5 of the South Somerset Local Plan.

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

Drawing numbers: 4840 5.E Block and Location Plans, 4840 7 - Floor plan and elevations, 4840 4.J - Site plan and 4840 8.- Cross site elevation.

Reason: For the avoidance of doubt and in the interests of clarity.

05. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their

protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan and to accord with the NPPF.

06. No external lighting shall be installed within the application site unless the details of any lighting has been submitted to and approved in writing by the Local Planning Authority. There shall be no changes to the approved lighting unless approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan and the NPPF.

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is satisfactorily drained.

#### **Informatives:**

01. The applicant is reminded that:

1) The site falls within a groundwater Source Protection Zone 2 (SPZ2). This is a zone of protection surrounding a nearby drinking water borehole, which is vulnerable to pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx>

2) Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines (PPGs) at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

You are reminded that under the Environmental Permitting Regulations 2012, any discharge to surface water from the package treatment plant, is limited to 5 cubic metres per day.

If the proposed development is likely to increase the foul discharge from the site/unit to greater than 5 cubic metres per day, the applicant will need to apply to the Environment Agency for an Environmental Permit  
(<http://www.environment-agency.gov.uk/business/sectors/32320.aspx>)

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Area North Committee – 18 December 2013

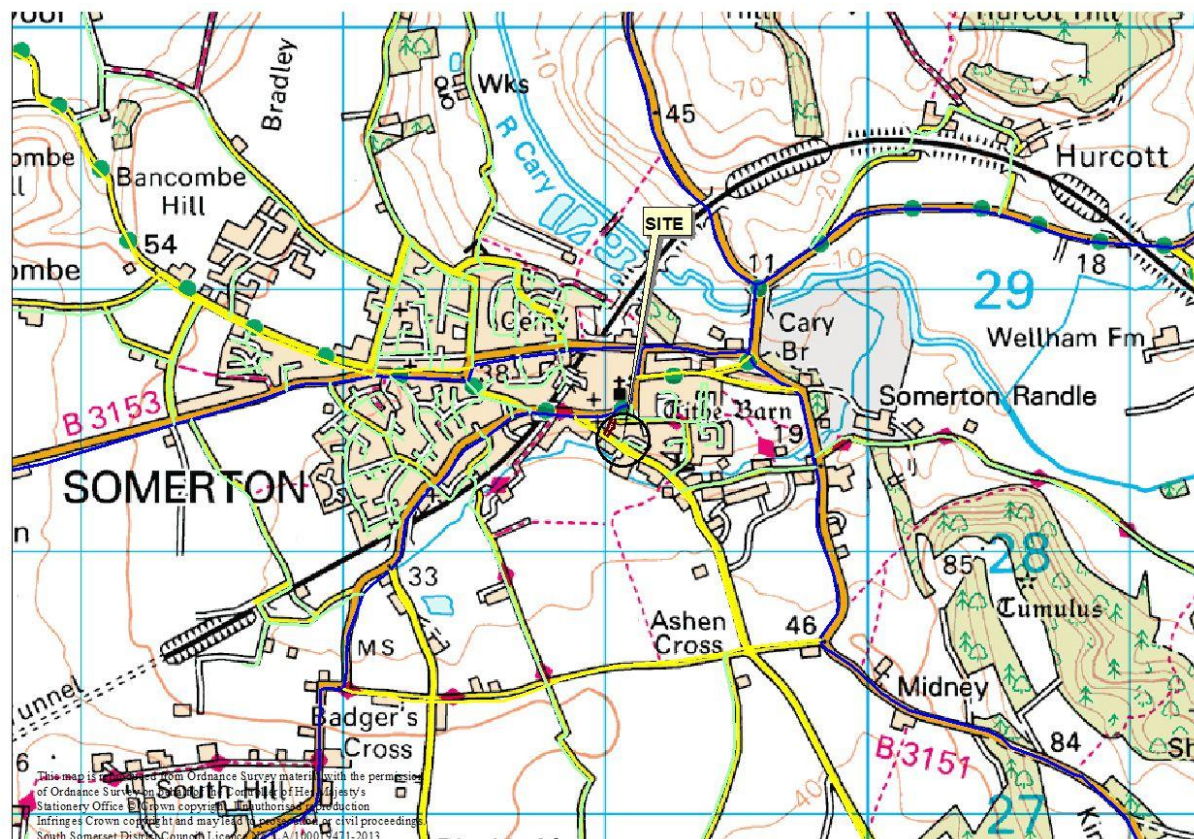
## Officer Report On Planning Application: 13/03822/LBC

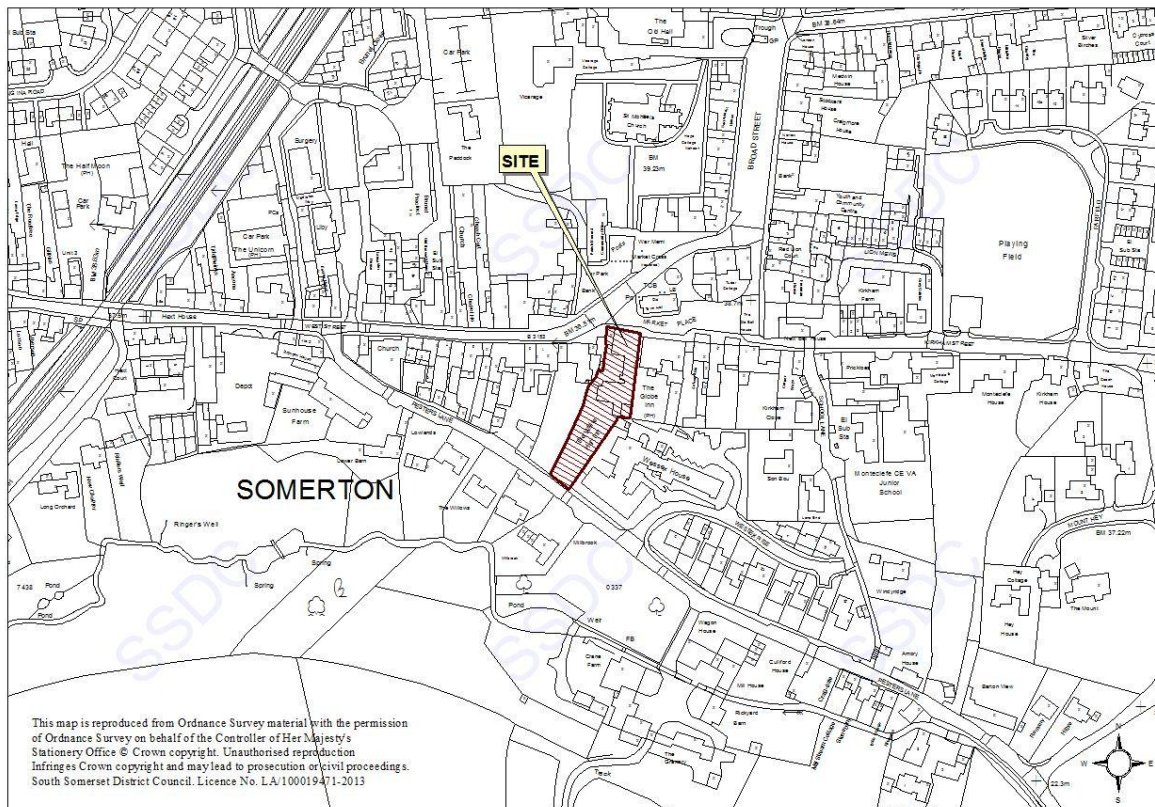
<b>Proposal :</b>	Partial removal of wall opposite wood fired oven to allow for better sight lines (retrospective). ( GR 349039/128493 )
<b>Site Address:</b>	White Hart Inn, Market Place, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	CLlr Pauline Clarke CLlr David J Norris
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	15th November 2013
<b>Applicant :</b>	Mr Robert Greacen
<b>Agent: (no agent if blank)</b>	Mr Gareth Syms, Mackenzie Wheeler Architects, 1 Redchurch St., Shoreditch London E2 7DJ
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Ward Member and Area Chair.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks retrospective consent for the complete removal of an internal wall, which a previous consent had allowed the partial removal of (12/04167/LBC). The previous consent allowed the partial demolition of the wall to secure the optimal viable use of the building, but the applicant's own submitted heritage statement shows the wall to be an important feature dividing two phases of the building. The property is a two-storey hotel, constructed of natural stone, with painted window frames and a clay tiled roof. The hotel is a Grade II listed building and is located close to a variety of residential and commercial properties. The property is within a development area and a conservation area as defined by the local plan.

## HISTORY

13/01896/LBC - Internal alterations - Application permitted with conditions 05/07/2013

13/01267/LBC - Internal and external alterations to include integration of wood fired oven in restaurant area with new flue penetrating existing roof terminating 600mm above ridge level - Application permitted with conditions 17/05/2013

12/04166/FUL - Refurbishment of existing pub, extension of dining spaces into refurbished and modernised barn, relocation of existing kitchen and toilet areas and conversion of former skittle alley and 1st floor lounge area to 3 additional guest rooms - Application permitted with conditions 21/12/2012

12/04167/LBC - Refurbishment of existing pub, extension of dining spaces into refurbished and modernised barn, relocation of existing kitchen and toilet areas and conversion of former skittle alley and 1st floor lounge area to 3 additional guest rooms - Application permitted with conditions 21/12/2012

06/03448/LBC - Structural repairs to outbuildings and boundary wall together with other non-structural works - Application permitted with conditions 22/12/2006

94/01944/LBC - The display of various externally illuminated and non-illuminated signs - Reg3 County (SSDC raise no objections) 23/01/1995

94/01945/ADV - The display of various externally illuminated and non-illuminated signs - Reg3 County (SSDC raise no objections) 23/01/1995

94/01943/LBC - The demolition and capping off/rebuilding of chimney - Reg3 County (SSDC raise no objections) 01/07/1994

## POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with the NPPF:

Relevant Development Plan Documents

South Somerset Local Plan (Adopted April 2006)

EH3 - Alterations to Listed Buildings

## CONSULTATIONS

**Somerton Town Council** - Recommends approval.

**SSDC Conservation Officer** - He notes the requirements of the NPPF in relation to applications relating to heritage assets.

He notes the previous application and the comprehensive historical evaluation of the building submitted with that application. This previously submitted evidence showed the wall to be on a line between different phases of the building. He concludes by stating that allowing the approved opening through the wall secures the optimal use of the building, *"...but this further alteration, for which no clear and convincing justification has been*

*made, is detrimental to the plan form of the building and is detrimental to the architectural and historic interests of the building contrary to the policy contained within the NPPF."*

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

Advice from the conservation officer regarding this application was sought and received. He was very clear that he considers that the alteration causes harm to the significance of this listed building, in that it is detrimental to the plan form of the building. The wall is considered to be important as it forms a divide between two phases of building at the site, and its partial removal was only allowed as part of a previous scheme as a concession to securing the optimal viable use of the building.

The NPPF states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

However, it is considered that the applicant has not made a clear and convincing case that any public benefits of removing the rest of the wall would outweigh the harm to the listed building. Whilst the harm to the character of the listed building is demonstrable, no evidence has been submitted to show that there would be any public benefits of the proposal or that this further alteration would 'secure' the optimum viable use of the building.

It is therefore concluded that the proposed alteration would have an adverse impact on the character of this listed building, which is not outweighed by the public benefits of the proposal, contrary to policy EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

As such the application is recommended for refusal.

## **RECOMMENDATION**

Refuse for the following reason:

01. The proposed alteration, by reason of its alteration to the historic plan form of the building, would have an adverse impact on the character of the listed building which is not outweighed by any public benefits, contrary to policy EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development



proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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