

Area North Committee – 23 July 2014

Officer Report On Planning Application: 14/00458/OUT

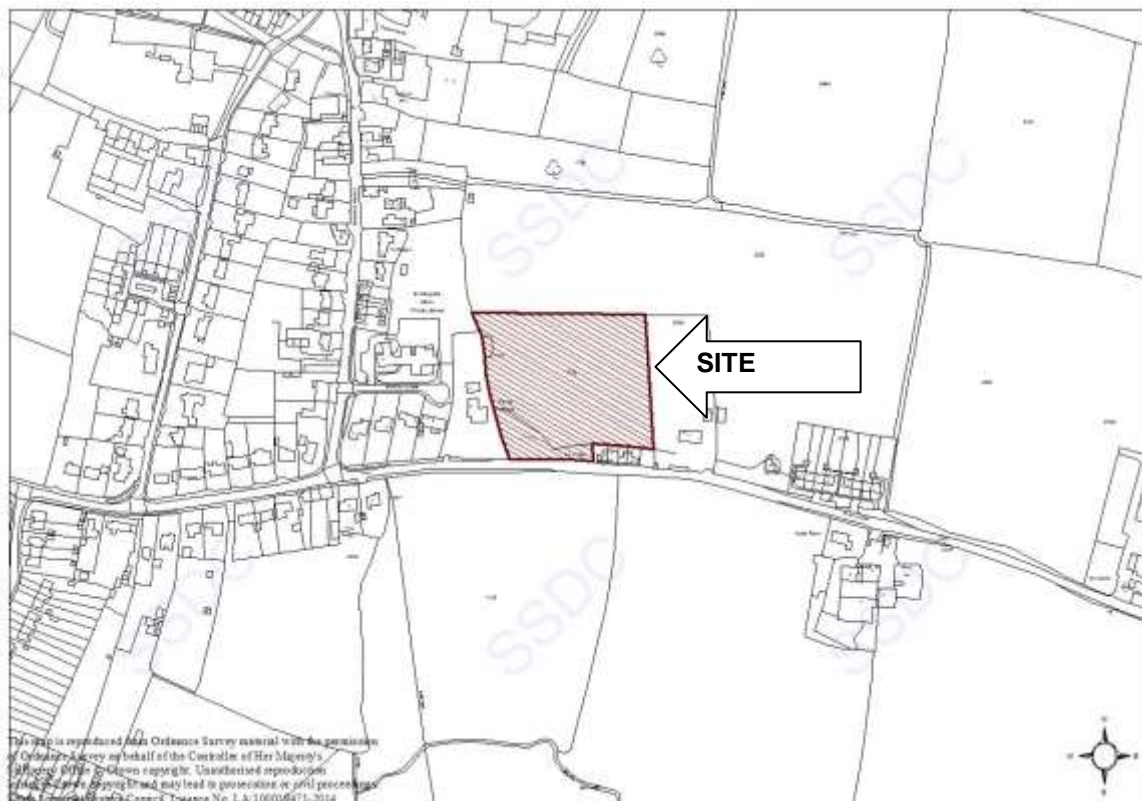
Proposal :	Outline residential development.(GR 350198/119369)
Site Address:	Land Between Old Vicarage and 15 Yeovil Road. Yeovil Road. Tintinhull.
Parish:	Tintinhull
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: lex.skidmore@southsomerset.gov.uk
Target date :	9th May 2014
Applicant :	Bunny Construction
Agent: (no agent if blank)	Peter Smith, Hollyfield, Hewish, Crewkerne, Somerset TA18 8QR
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO 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 However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. 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, with all matters reserved, to erect up to 11 dwellings.

The application site comprises a single agricultural field 1.26 hectares in area that abuts but lies outside the development area for Tintinhull. There is an existing access into the site leading off Yeovil Road to the front. On the opposite side of Yeovil Road is open countryside and it also backs on to farmland to the rear. The main part of the village lies to the west of the site with a grade II listed property, The Old Vicarage, immediately adjacent to the west side of the site and a row of cottages a detached property beyond to the east. The site is relatively elevated within the landscape and raised up slightly above the highway and the row of cottages 12-15 Yeovil Road, with hedge planting along the roadside boundary and mature planting including a number of trees along the west boundary. There is also a small pond situated within the site close to the west boundary.

The application is supported by a Planning Statement, Transport Statement, Flood Risk Assessment, Ecology Survey and Heritage Statement and an amended indicative layout plan has been provided to address highway concerns.

RELEVANT HISTORY:

62881/A: Erection of six houses and three bungalows and garages and formation of vehicular access. Refused 1973.

62881/B: Erection of two houses and garages and formation of vehicular access. Refused 1973.

770891: (Outline) Residential development of land. Refused 1977.

62881: Development for residential purposes. Refused 1962.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (2006):

ST3 - Development Area
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST7 - Public Space
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC3 - Landscape Character
 EC8 - Protected Species
 EU4 - Drainage
 TP1 - New Development and Pedestrian Movement
 TP2 - Travel Plans
 TP4 - Road Design
 TP7 - Car Parking
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
 CR4 - Amenity Open Space
 HG7 - Affordable Housing

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
 Chapter 6 - Delivering a Wide Choice of High Quality Homes
 Chapter 7 - Requiring Good Design
 Chapter 8 - Promoting Healthy Communities
 Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 11 - Conserving and Enhancing the Natural Environment
 Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes

Other relevant documents

Tintinhull Community Plan (July 2012)

CONSULTATIONS

Tintinhull Parish Council: (Latest comments) Agreed to support the County Highways recommendations for this application.

(Initial comments): Support the application subject to the following caveats:

- Highways approval and recommendations;
- Adequate drainage system to eliminate any possible flooding;
- Affordable housing only to be available to local people initially and not sold / rented to outside people for at least 6 months after being built;
- Limit the dwellings to no more than 3 bedrooms and the affordable one to 2 or 3 bedrooms. One bedroom units are not considered suitable or required;
- The facades of the houses facing Yeovil Road to be of local natural hamstone.

Tintinhull has more than sufficient large 4 plus bedroom houses, there is a need for modest 3 bedroom housing.

County Highways: Latest comments given verbally and indicated that they would raise no objection to the revised layout and access details, subject to a number of highway related conditions and a financial contribution of £15,000 towards off-site highway improvement works.

(Previous comments) - Latest comments based on the revised access arrangements and omission of the proposed pavement - I still consider the proposed arrangements to be substandard as it still involves the effective narrowing of Yeovil Road only this time closer to the eastern traffic calming feature and outside of a number of existing properties which could lead to or encourage the parking of vehicles on the public highway to the detriment of highway safety. The revised scheme does not overcome the second reasons for refusal previously stated as access for pedestrians to the site fails to meet the appropriate standards.

Initial comments - Any access arrangements should comply with the aims and objectives of the NPPF in so far as a safe and suitable access to the site must be achieved to prevent any severe impact on the highway network. In this case I am concerned that the developer is proposing to narrow Yeovil Road in order that 'Manual for Streets' standard visibility splays can be provided, along with the provision of a substandard width footway that fails to meet modern day standards. The situation being exacerbated further by the position of the proposed vehicular access, which is located centrally between two chicane type build out traffic calming features that have been installed by the highway authority. In light of this I recommend the application be refused for the following reasons:

- The proposal is contrary to the NPPF and Policy ST5 of the South Somerset Local Plan since the formation of the proposed access together with the introduction of conflicting traffic movements onto and from Yeovil Road, such as would be generated by the proposed development, would be prejudicial to highway safety.
- The proposal is contrary to the NPPF and Policy ST5 of the South Somerset Local Plan since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

County Education: No financial contributions will be necessary towards education facilities as the primary and secondary schools would have a sufficient number of un-

used places available.

The planning statement refers to the possible nearby school's use of land incorporating a pond and to a potential footpath to the school and that this may even be used as a public footpath link. The local education authority has no desire to acquire any interest in either of these proposals. Both would present health and safety concerns and management issues that would not be necessary or appropriate.

County Archaeology: No objections

Environment Agency: No objection subject to a number of conditions.

Climate Change Officer: We should expect renewables to be explicitly described in broad terms, especially for developments of this size, because they will impact on the layout and appearance of the development.

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 £4,312 per dwelling (equating to an overall total of £47,432) which can be broken down as:

- £27,807 for local facilities;
- £17,750 for strategic facilities;
- £1406 as a commuted sum towards local services;
- £470 as the Community Health and Leisure Service administration fee.

Open Space: The smaller areas within the development could be best conveyed to householders as they look too small to serve any meaningful purpose or to be adopted by this authority.

Landscape Officer: Does not support the application.

Looking first at the settlement pattern of Tintinhull, it is noted that the village is primarily of linear form, with a north-south emphasis that is particularly in evidence to the north of the Yeovil Road. There is however, some 'sideways' growth, historically evident toward Tintinhull House, and more recently to the south of the Yeovil road, where housing estate development has occurred, whilst sporadic housing at the side of the Yeovil Road to the east of the village - where this site resides - is seen as being primarily beyond the village edge (as expressed by continuous road frontage).

Whilst this site is contiguous with the village's built form - by virtue of laying alongside the Old Vicarage - and is partially fronted by the small roadside terrace of 12-15 Yeovil Road, its major context is open land, and in that respect, and its lack of direct integration with the village core, it does not convincingly tie into the main village form. Neither is the level relationship with no's 12-15 Yeovil Road comfortable. I note that an indicative plan is offered, which appears to have been informed by landscape concerns, i.e.; ensuring the development is not too imposing upon the Yeovil Road frontage; respecting the setting of the listed building to the west; and keeping roof heights to a level that ensures the site is not obtrusive relative to the local skylines to north and east. I consider this to be the right approach, though would advise some fine-tuning is necessary on both the indicative layout and landscape proposals if the proposal were to evolve to approval as a residential site.

Whilst I can see some logic in this site being proposed as a potential development site, I do not see it being sufficiently well integrated with the village plan, nor is it comfortably

accommodated within its immediate context. Hence I am not supportive of the principle of development here.

Arborist: If consent is granted please condition appropriate tree protection measures. I have noted the indicative attenuation swale adjoining the Beech and Lime trees within the Old Vicarage. This is of particular concern, as heavy ground-works and alteration of local hydrology can have significant adverse health impacts.

Ecology: Recommended conditions relating to great crested newts and slow worms.

Conservation: The proposal would impact upon the setting of the grade II listed Old Vicarage and its separately listed boundary wall and gates. The impact would be adverse and significant, there are some trees between the house and the site but too few to help reduce the impact even when in leaf. The aspect of the setting of the building, its sense of being on the very edge of the village with open countryside on three sides will be severely altered by the introduction of a residential enclave to its east side. The landscaped area shown on the indicative plan will not serve to mitigate to any degree the visual impact of the development particularly because of the rising land form on which it would sit.

Adverse impact will also result to the row of 19th century cottages 12-15 Yeovil Road, a historic asset themselves, probably built on surplus highway land when the road was improved in the 19th century.

The access visibility requirement on the Yeovil Road has not been shown but would be likely to result in the loss of a substantial length of roadside hedgerow affecting the setting of both the listed wall and the cottages and the spreading of suburban character into the countryside east of the village. Development of village extensions are always best achieved where they can be linked into the existing network of village roads. This separate cul-de-sac enclave would fail to do this and would result in an isolated group of buildings quite separate to the village. The form of the village developed area is well contained on its east side (and part is within the conservation area); extension east of the Vicarage will intrude into open countryside in a manner quite contrary to this character.

Planning Policy: Initial comments 26/02/2014 – Based on no 5 year housing land supply advised that the additional 11 houses proposed would make such a significant contribution to our backlog as to override any other policy concerns that may be raised.

In view of the current situation, following District Executive's acceptance of a report that demonstrated a five-year housing land supply (05/06/2014) a policy officer has been asked to update their comments and an oral update in this respect will be necessary.

Strategic Housing: As the site is outside development limits we would expect 100% of the dwellings to be affordable. If the site is to be treated as if it were within development limits then current policy requires 35% affordable split 67:33 in favour of social rent without access to further public subsidy. I would expect 4 affordable units (based on 11 in total), 3 of which to be for social rent and 1 shared ownership or other intermediate solution. There is no evidence to support four 3 bedroom affordable units and I would not be able to support this I suggest the following mix to be appropriate - 2 x 1 bed house, 1 x 2 bed houses and 1 x 3 bed house).

Wessex Water: Raised no objections.

REPRESENTATIONS

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

Principle:

- The application does not comply with the village plan or the Council's emerging local plan (2013-2028).
- The development is outside the development area.
- The emerging local plan calls for no significant developments in Rural Settlements and the objective is to limit building to small developments of single units or plots of less than 5 dwellings.
- The development does not comply with the design statement set out within the Village Plan.
- A total of nine houses have been approved in Tintinhull in the last three years. To allow this open countryside development on top of the already approved development would suggest a large scale expansion of the village, which is unsustainable.
- The development will foster the growth in the need to travel due to the lack of services in the village.
- The developer could increase the number of houses if approved.

Highway safety

- The road is very busy and there is often chaos when there is disruption on the A303 with drivers finding alternative routes including through Tintinhull.
- The new calming system is having little effect with few drivers adhering to the speed limit.
- Few drivers adhere to the 30mph limit.
- The village cannot currently be accessed safely on foot from the site as there would be various points at which pedestrians would need to step into the road because the existing verges are too narrow or storm water drains are in the way.
- There is a need for a pavement at the west end of Head Street.
- There are approximately 26,000 National Trust visitors to the village during the summer months already and the development at Brimsmore is bound to have an effect on traffic movements.
- The pavement will be too narrow for wheelchair use or pushchairs. Pedestrians are likely to need to step into the road at some points.
- In the case of application 13/01133/FUL (land adj to 8 Yeovil Road), the highway authority recommended refusal and referred to the accident record for this part of the road. Considering the two proposed exit points are no more than 200m apart and traffic will be accelerating away from the chicanes either side of the site access I would expect the same considerations to apply.
- This will result in an accident black spot.
- I cannot see the justification for two lorries not being able to pass.
- No assessment has been carried as to the level of traffic along Yeovil Road.

Drainage / Flooding:

- The Flood Risk Assessment is inaccurate, it only refers to two incidents of flooding in the area (1994 and 1998).
- The road is frequently flooded due to run-off from surrounding fields and blocked drains.
- The application has failed to take sufficient action over the flood risk in the area. In 2006 following heavy rainfall two properties near the junction of Vicarage Street / Yeovil Road flooded as a result of high volume of water flowing down Yeovil Road. There were similar concerns during the last two winters. This

- development will exacerbate this problem.
- The Environment Agency has no credibility on flood risk and has failed to consult with local people on their local knowledge.
- Possible increased run-off onto our property (Old Vicarage).

Impact on listed building and visual amenity:

- A development of this size will have a material impact on the setting of a listed building and general amenity of the area.
- The Old Vicarage currently has a rural setting and can currently be seen from the Monarch's Way to the north. The village from this point is not visible and the outlook is entirely rural.
- The development will be out of keeping with the area. All boundaries of the site can be seen and this high density development will be visible and completely obliterate views of the Old Vicarage.
- There is a clear line of view from Tintinhull House, which is Grade I listed, to the Old Vicarage and the development site. The area between these two buildings is currently open farmland.
- This application has parallels with that of application 12/04365/FUL for a development in Martock which was refused and dismissed by the Inspector.
- The development will appear very imposing.
- The wall to the front of the Old Vicarage is also listed and its setting should not be compromised.
- Tintinhull is beautiful and has an abundance of listed buildings, all in ham stone. The developer has admitted that it would not be viable to build all the houses in natural stone.
- This development will be very visible from the road and the footpath to the north. This footpath (the Monarch's Way) currently enjoys spectacular views of the village, church, Ham Hill and Montacute, all this will be lost should this development go ahead.
- There are other more suitable sites within the village.

Residential amenity:

- Concerned that we will experience a loss of privacy, light and security.
- Can a six foot screen (preferably in stone) be constructed between the road and the 'buffer' area.
- Any screening along the west boundary could seriously affect the light coming into our property and increase the risk of subsidence.
- Loss of light to our property (13 Yeovil Road).
- Disruption from noise.
- Loss of privacy, the site is more elevated than the existing properties, no's 12-15 Yeovil Road.
- Light pollution resulting from street lights to serve the development.

Other matters:

- The fence along the western boundary and the drainage ditch is within the grounds of The Old Vicarage.
- The village with its National Trust property and conservation area bring many visitors to the area helping the local economy. There is a big need for people to have places to visit do not spoil the enjoyment and landscape.
- The field is used by a wide variety of wildlife including buzzards, owls, swifts, bats, rabbits and foxes. There are slow worms in the grounds of the Old Vicarage.
- How will it be ensured that the attenuation pond, landscaped and play areas will be maintained permanently in the future.
- Loss of view.

APPLICANT'S CASE

"The site lies outside the last defined settlement limit but is a logical extension and rounding off of the development envelope.

The site is not highly prominent in the landscape but given the predominantly level surrounding countryside it is visible from a number of vantage points. The effect of the development will be mitigated by structural landscaping and by limiting development on the eastern (higher) side of the site to single storey. This will ensure that the completed development does not cause demonstrable harm to the landscape or loss of visual amenity to the wider landscape setting."

"The application will deliver four affordable dwellings for local people."

CONSIDERATIONS

This application is seeking outline planning permission, with all matters reserved, to erect up to 11 dwellings. The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on the setting of a heritage asset and visual amenity;
- Residential amenity;
- Highway safety;
- Flooding and drainage;
- Ecology; and
- Planning obligations.

Principle:

The application site is located outside but immediately adjacent to the development area for Tintinhull as defined by the South Somerset Local Plan where, under the requirements of Policy ST3, new residential development is usually strictly controlled. Beyond this it should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable planning as set out within the NPPF have been saved. Whilst the emerging local plan has yet to be adopted Policy SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension. Accordingly for the purpose of this application it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct eleven dwellings should be considered on its own merits. From a sustainability perspective the application proposes the provision of a pavement to link the site to an existing short stretch of pavement to the west leading into Vicarage Road. This footway will provide a pedestrian link into the centre of the village where services such as the village primary school can be found within an easy walking distance. The development also includes the provision of four affordable houses to meet local housing needs.

The site physically abuts the development area with existing built development immediately to the west and east. Whilst the landscape officer has not offered his support to this proposal the landscape concerns raised are not considered to be so substantive as to be a reason on its own to object to this proposal. In all other respects it is considered that the impact of the development can be addressed by appropriate

conditions. On this basis it is accepted that a development of this relatively modest scale in this location accords with the aims and objectives of sustainable development, as set out within the National Planning Policy Framework and Policy SS2 of the emerging Local Plan, and is in principle acceptable.

Impact on heritage asset and visual amenity:

The Landscape Officer has raised concerns with regard to expanding the village in this direction noting that the village is primarily of linear form with a north-south emphasis, particularly along Yeovil Road but acknowledging that there is some sideways growth. He notes that along Yeovil Road to the east of the village housing is sporadic and the site is seen primarily beyond the village edge and does not tie convincingly into the main village form. On this basis he has not offered his support to the principle of development of this site. Whilst the Landscape Officer's views are noted it is considered that the landscape concerns are not so substantive as to be a reason to object to this proposal. It is acknowledged that the existing development along this section of Yeovil Road is linear in form, however, considered in light of the position of the school to the northwest and the large plot at 11 Yeovil Road to the east, and on the basis that the site is to be developed in a comprehensive manner, it should not appear so at odds with existing surrounding development that the proposal should be refused for this reason.

The new access will affect the road frontage of this field which currently is contained by planting, predominantly a native hedgerow. The indicative plan retains a hedgerow along this frontage with any housing set well back from this boundary which from a street scene point of view will help to maintain a level of openness that acknowledges the semi-rural character of the area.

Concerns have been raised regarding the impact of the proposal on the Old Vicarage, a listed property, located immediately to the west of the site and also other heritage assets in the area including grade I listed Tintinhull House to the north. The Conservation Officer shares the concerns in respect of the Old Vicarage, however, it is considered that this matter can be addressed satisfactorily through a satisfactorily layout and provision of supplementary planting to ensure that there are limited views of the Old Vicarage in the context of the new development and are matters to be dealt with at reserved matters stage. The Conservation Officer has raised no other concerns in respect of other heritage assets. In respect of Tintinhull House this is more than 250m to the north from the site with several fields in between, as such it is not accepted that this proposal will have an adverse impact on the setting of this listed building.

A number of comments have been made in regard to the impact the proposal will have of views from the public right of way (Monarch's Way) that passes a short distance to the north of the site, that the development will block views of the Old Vicarage and the wider landscape beyond. Whilst such views are likely to be affected it is not considered that the amenity of users of this public right of way will be significantly adversely affected.

For these reasons the proposal is considered to preserve the setting of the adjacent listed building and to raise no substantive landscape or visual amenity harm.

Residential amenity:

A number of concerns have been raised by residents living adjacent to the site including possible loss of privacy, loss of light, and light pollution from any street lights and disturbance from noise. These concerns are noted, however, with all matters reserved only the principle of residential development on the site is currently under consideration. 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. As such it is not considered reasonable to object to the scheme for reasons of harm to residential amenity.

Highway safety:

Following discussions with the highway authority the applicant has submitted a revised indicative layout plan moving the position of the proposed access slightly to the east of its original position. This plan also includes the provision of a new pavement from the site to connect with the pavement with that at the Vicarage Street / Yeovil Road junction to the west. Whilst formal comments from the highway authority have yet to be received the highway officer has indicated that he would not object to the principle of this proposal based on the revised plan and subject to a financial contribution of £15,000 towards future highway improvements being secured. The contributions sought would relate to the stretch of Yeovil Road either side of the site access between the junction of Vicarage Street to the west and 11 Yeovil Road to the east (as indicated on drawing number 4270/13).

It is noted that various objections have been made by a number of local residents in relation to highway safety concerns. These concerns include the possibility of the width of the carriageway being narrowed as a result of the development, the high volume and excessive speed of traffic using this road, the substandard width of the proposed pavement and issues relating to the traffic calming measures that are in place.

Under the revised layout plan it did appear that the width of the highway might be encroached upon by the development, however, the revised layout plan indicates that the new access works and footpath should be contained within the redline site and highway verge without reducing the width of the carriageway. In terms of the pavement where it passes to the front of third party properties it will only utilise the highway verge which is in the main relatively narrow and as such the resulting pavement will be substandard in its width. Contrary to the highway officer's original comments on this point he has suggested verbally that he would not wish to object to the scheme based on this one issue. It might in any case be argued that that the provision of a substandard pavement is an improvement to the current situation given that it will also provide a pedestrian link for a number of other existing properties along this stretch of Yeovil Road into the village.

Therefore, subject to receiving the formal comments of the highway authority and any conditions that they recommend, the proposed development is considered to raise no substantive highway safety concerns.

Flooding and Drainage:

Several local residents have noted that there have been a number of flooding incidents in recent years and there are problems with surface water run-off down Yeovil Road with properties having been flooded in recent years.

The application site is in flood zone 1 and as such is not considered to be at risk of flooding. The Environment Agency has raised no objection to the proposal on the basis that the development does not result in any additional surface water run-off from the site from that in its current state. They have requested that conditions be imposed to secure a detailed surface water drainage scheme for the site and a scheme to secure the future responsibility and maintenance of this drainage system. On this basis there is no evidence to suggest that the development will result in any increased risk of flooding. Wessex Water, the utility company responsible for maintaining the mains drainage in the area, have also raised no objections. As such the development is not considered to raise any new significant flood or drainage concerns.

Ecology:

The submitted ecology survey identified the potential for Great Crested Newts to be present on the site and it is considered likely that slow worms could also be present. The Council's Ecologist has confirmed he is satisfied with the submitted survey, subject to the imposition of two conditions requiring a great crested newt survey and slow worm survey.

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 £4,312 per dwelling (equating to an overall total of £47,432) which can be broken down as:

- £27,807 for local facilities;
- £17,750 for strategic facilities;
- £1406 as a commuted sum towards local services;
- £470 as the Community Health and Leisure Service administration fee.

The housing officer has noted the policy requirements for 35% affordable housing split 67:33 social rent: intermediate products and noted that further discussion would be necessary to assess the property types required based on data from the Housing Needs Register.

It will also be necessary for the applicant to provide for a footpath link along Yeovil Road between the site and Vicarage Street. The highway authority has also suggested a financial contribution of £15,000 towards highway improvements on Yeovil Road.

Provided these contributions and the Council's monitoring fee are secured by way of a Section 106 Agreement the application is considered to comply with Policies ST10, CR2, CR4 and HG7 of the SSLP. The applicant has agreed to these obligations.

Other matters:

With regard to the other outstanding matters raised by local residents:

- Loss of a view can only be afforded very limited weight and is not a substantive concern on which to object to the proposal.
- A neighbour has raised concerns in relation to subsidence. The application site is raised up above 12-15 Yeovil Road, however, there has been no suggestion that the applicant intends to alter the ground levels which might lead to this issue. It will not be until reserved matters stage that the position of the new houses will be known at which stage this matter can be better considered.

Conclusion:

Given the limited weight that can be given to policy ST3 of the local plan and the site's location adjacent to the settlement limits of Tintinhull, it is considered that, in principle, it is a sustainable location for development. No adverse impact on the setting of the adjacent listed building, landscape, ecology, flooding / drainage or residential amenity have been identified that justify withholding outline planning permission. The applicant has agreed to the appropriate contributions.

Therefore, notwithstanding the various concerns raised and subject to the highway

authority raising no new substantive objection, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST7, ST9, ST10, EH5, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

Provided no objections are raised by County Highways planning 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 £47,432 broken down as:
 - £27,807 for local facilities;
 - £17,750 for strategic facilities;
 - £1,406 as a commuted sum towards local services;
 - £470 as the Community Health and Leisure Service administration fee.
 - (b) Ensure at least 35% of the dwellings are affordable 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.
 - (c) Provision of a pavement as indicated on drawing number 4270/13;
 - (d) financial contribution of £15,000 towards off-site highway improvements; and
 - (e) a monitoring fee to the satisfaction of the Development Manager.

For the following reason:

Notwithstanding the local concerns, the provision of approximately 11 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to the setting of the adjacent listed building, residential amenity, visual amenity, ecology, drainage and flooding, and 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.

SUBJECT TO THE FOLLOWING:

01. The site hereby approved for development shall be as shown on the submitted location plan drawing number 4260/13 received 04/02/2014.

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

02. Details of the access, 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.

03. 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.

04. The development hereby permitted shall comprise no more than 11 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, EC3 and HG7 of the South Somerset Local Plan.

05. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, access arrangements and landscaping.

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

06. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a tree protection plan and an arboricultural method statement relating to all retained trees on or adjoining the site, shall be drafted so as to 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. The Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the Council and it shall include the following details:

1. the locations and specification of protective fencing & construction exclusion zones clearly detailed upon the tree protection plan and;
2. 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;
3. a requirement for a pre-commencement site meeting to be held between the appointed building contractors and the Council's Tree Officer.

Upon approval by the Council, the measures specified within the agreed tree protection plan and arboricultural method statement shall be implemented in their entirety for the duration of the construction of the development, inclusive of landscaping measures.

Reason: To preserve the health, structure and amenity value of existing trees in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006, those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended) 1.00 and the Town & Country Planning (Tree Preservation) (England) Regulations 2012.

07. No development shall commence until a surface water drainage scheme for the site, 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 risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

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

09. No vegetation clearance or earthworks (including for geological or archaeological investigations) will be permitted until a great crested newt survey to determine presence or otherwise, and a mitigation plan if present, has been submitted to and approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

10. The development hereby permitted shall not be commenced (including any ground works or site clearance) until 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 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).

11. The development hereby permitted shall not be commenced (including any ground works or site clearance) until 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 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).

12. Any conditions reasonably recommended by County Highways.

Informatives:

01. The applicant is advised to refer to comments set out in the Environment Agency's letter dated 20/03/2014.

02. The developer is referred to the recommendations set out in section 7.1.1 of the Ecological Survey by MWA (Michael Woods Associates) dated December 2013.
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