

Area West Committee – 19<sup>th</sup> December 2012

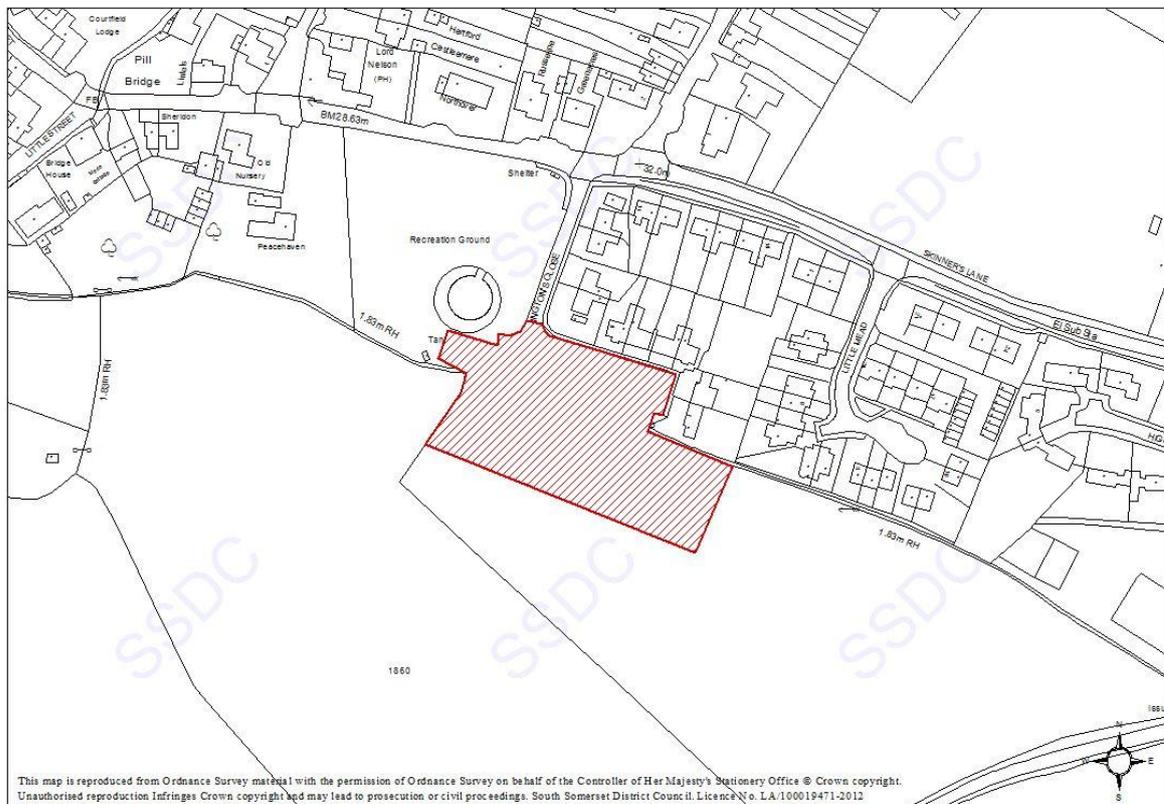
**Officer Report on Planning Application: 12/03221/FUL**

<b>Proposal:</b>	Erection of 10 dwellings on land adjacent to Minchingtons Close (GR: 347253/115705)
<b>Site Address:</b>	Land South Of Minchingtons Close Norton-sub-Hamdon
<b>Parish:</b>	Chiselborough
<b>PARRETT Ward (SSDC Member)</b>	Cllr Ric Pallister
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date:</b>	23rd November 2012
<b>Applicant:</b>	Yarlington Housing Group
<b>Agent: (no agent if blank)</b>	Mrs Sally Hewins GSS Architecture 73 Macrae Road Eden Office Park Bristol BS20 0DD
<b>Application Type:</b>	Major Dwlg 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is referred to Committee at the request of the Ward Member with the agreement of the Chairman to enable local concerns to be fully debated.

**SITE DESCRIPTION AND PROPOSAL**



The site predominantly consists of a broadly level agricultural field adjacent to an existing residential close. The field is separated from the close by a native hedge. The close consists of a mixture of terraced and semi-detached properties constructed of buff brick under double roman tile roofs, with predominantly white UPVC window frames. The close currently has no houses to the southern side, instead facing onto open countryside and the proposed site. Adjacent to the close is a recreation ground consisting of open green space and children's play equipment. The site is not within the development area as defined by the local plan.

The proposed development consists of the construction of ten dwellings made up of:

- two one-bedroom houses,
- four two-bedroom houses,
- and four three-bedroom houses.
- two car parking spaces for each dwelling,
- plus an additional eight parking spaces on the site for existing residents,
- and five spaces on the existing close for existing residents.

It is proposed that all of the dwellings will be 'affordable'. The proposed dwellings will be finished in buff brick and render with brown concrete tiles and UPVC window frames. It is proposed to retain the majority of the existing hedge separating the site from the neighbouring close, and to form a new hedge and ditch to the southern and eastern sides of the site to separate the site from the surrounding agricultural land.

The application is supported by a design and access statement including:

- A statement of community involvement (titled 'Results of Public Consultation'),
- A statement of the sequential process (titled 'Site Selection'),
- An ecology report, and
- A housing needs survey.

The proposal has been amended by plans submitted 16th November 2012 to address concerns raised by the highway authority.

## **PLANNING HISTORY**

None relevant.

## **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 policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006 and the Somerset and Exmoor National Park Joint Structure Plan Review 2001.

The policies of most relevance to the proposal are:

### **Saved policies of the Somerset & Exmoor National Park Joint Structure Plan (April 2000)**

STR1 - Sustainable Development

Policy 1 - Nature Conservation  
 Policy 33 - Provision for Housing  
 Policy 35 - Affordable Housing  
 Policy 48 - Access and Parking  
 Policy 49 - Transport Requirements of New Development

### **Saved policies of the South Somerset Local Plan (April 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  
 TP4 - Road Design  
 TP7 - Car Parking  
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development  
 CR3 – Off-Site Provision of Outdoor Playing Space and Amenity Space in New Development  
 CR4 - Amenity Open Space  
 HG7 – Affordable Housing  
 HG9 – Rural Housing Need

### **National Planning Policy Framework**

Chapter 3 – Supporting a Prosperous Rural Economy  
 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

### **Other Relevant Documents**

Somerset Parking Strategy  
 Norton-sub-Hamdon Village Design Statement (adopted as supplementary planning guidance 1999)

### **CONSULTATIONS**

**Chiselborough Parish Council** – Likes the layout of the houses but would prefer that they were built in Bradstone rather than brick. There is a need for low cost houses in the area so would be pleased for plans to get passed. They note that a lot of work has gone in to try to make plans right.

**Norton-sub-Hamdon Parish Council (adjacent PC)** – Supports the scheme. The PC do not agree with the comments of Chiselborough PC regarding the use of Bradstone rather than brick. One councillor felt that actual size of properties would not allow for family of 4 to sit around a dining room table. Another councillor questioned the technology to be used to ensure energy efficiency.

**Highway Authority** – Initially raised no objection to the principle of the scheme but raised some issues over the proposed detail and layout. At the time of writing this report and since the submission of amended plans designed to address their concerns no further comment has been received.

**Ministry of Defence** – No objection.

**Wessex Water** – No objection provided surface water is not connected to public foul system as proposed as this is currently at risk from surcharge during prolonged periods of heavy rainfall. It is considered that the connection for foul drainage from 10 dwellings to the 150mm public foul sewer in Minchingtons Close will have minimal impact on downstream systems and there is adequate capacity at the receiving sewage treatment works to accommodate foul flows from the development.

The stream should be fully maintained through the site and improved if possible to ensure no flooding and adequate disposal of surface water.

**SSDC Environmental Protection Unit** – No objection although it is advised that when testing ground stability samples should also be tested for indicative pollutants. It is noted that the 1903 map shows sinks within the development site and a ‘tank’ nearby to the north west.

He later clarified that conditions to control the above would not be justified.

**SSDC Area Engineer** – No objection. Whilst it is noted that there is an existing flooding problem at Norton-sub-Hamdon, principally in the Rectory Lane/Great Street/Little Street area but also at New Road, this is caused by overflow from the main watercourse and this in turn impacts on the public foul sewerage system causing it to surcharge. The public sewers here are not 100% separate from the surface water drainage system as there are a number of roofwater connections. In addition there is direct ingress of surface water (particularly in Rectory Road) via standing water entering manhole covers. Wessex Water are aware of this problem and the impact that it has on their pumping station downstream of the village however they do not intend doing anything about this.

It has been suggested that, to mitigate the very small increase in foul sewerage generated by the development, consideration be given to the elimination of an element of surface water from the existing Minchingtons Close site to offset this. Whilst this may be possible it is considered that proposed surface water drainage strategy is:-

*“sound and incorporates various arrangements to ensure that there will be no increase in surface water output from the site over and above that which currently arises from the undeveloped land. This is all that the planning authority can require i.e. we can't ask the developer to resolve an existing off-site flooding problem.....New legislation means that drains serving more than one property are now designated as public sewers in the remit of Wessex Water and the developer could perhaps discuss the options here with Wessex.”*

It is noted that foul sewerage from the 10 houses represents, theoretically, a very small percentage (approx. 0.5% at peak flow) of the capacity of the main sewer and it would be difficult to sustain an objection on the basis of this. It's important to note that, even if the development were to be anywhere else in Norton, the same argument would apply since the route of the outfall sewer is through Little Street.

**SSDC Landscape Officer** – No objection in principle subject to a condition to ensure that the landscape proposal is implemented in its entirety in the first planting season (mid-November – mid March) following completion of building works. It is noted that site

is not ideal as requires an ancient parish boundary to be broken, and intrudes into open land, but states that close relationship to adjacent housing and potential for landscape mitigation are positive.

**SSDC Climate Change Officer** – States that proposed housing should meet level 4 of the Code for Sustainable Homes in line with the policy in the SSDC emerging Local Plan. In detail raises a concern that not all buildings are orientated to south and the intention to install renewable energy equipment is not explicitly detailed.

**SSDC Spatial Policy Officer** – No objection as the proposal can be considered under saved policy HG9, subject to confirmation from Strategic Housing Manager that the supporting housing needs survey is still valid. Additionally the statement of community engagement indicates general support for the proposed scheme in accordance with emerging local plan policy SS2.

**SSDC Rights of Way Officer** – No objection. Currently investigating possible diversions of local footpaths that could run with the planting scheme area.

**SSDC Ecologist** – No objection subject to conditions to agree mitigation measures in relation to dormice and an outlier badger sett on site.

**SSDC Housing Development Officer** – Supports scheme as is consistent with current local plan policy and proposed policy SS2 in the emerging local plan. Notes that a need for affordable housing in the area was identified through the housing need survey process and is supported by the level of need identified on the Housing Need Register. She states that Chiselborough and adjoining parishes should be included in any S106 agreement.

**SSDC Area Development Manager (North)** – Supports the provision of affordable homes as a high priority for the Council and for the Area North Committee. In regards to the site selection process she notes that:

*“At the early stage a large number of potential sites were considered for suitability and availability, and three sites prioritised following the usual criteria for access, landscape impact etc. and all landowners contacted. A positive response from the owner of the Minchingtons Close site led on to a public consultation event, widely advertised in the community. Responses received from the community together with further site investigations and pre-application with statutory bodies were fully considered and adaptations to the initial designs made to address local concerns and mitigate impact.”*

**SSDC Community, Health and Leisure** – seek a contribution of £29,932.16 (£2,993.22 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved. This can be broken down as follows:

- £8,602.18 to be used for local facilities (in particular enhancing the existing play area at Minchingtons Close, Norton-sub-Hamdon).
- £16,064.87 to be used for strategic facilities.
- £4,968.76 as a commuted sum towards local services.
- £296.36 as the Community, Health and Leisure Service administration fee.

**SSDC Open Spaces Officer** – Requests a contribution of £2550.60 towards the existing open space at Minchingtons Close in lieu of providing on-site open space. This could be spent on 2 new benches and additional tree planting.

**SSDC Development Valuation Officer** – She notes that she has studied the financial appraisals carried out by the applicant and the District Valuer’s report on the scheme. She states:

*“...In my opinion it is clear that prior to taking S106 contributions into account, this scheme is not financially viable...despite the fact that I agree that this scheme is financially unviable as it stands, I note that Yarlinton Housing Group are willing to find funds from alternative sources to pay SSDC the requirement for a small on-site contribution to Sports and Leisure.”*

## **REPRESENTATIONS**

Letters have been received from 4 individuals that neither explicitly object nor support the application. These relate variously to drainage (and who has been consulted over potential issues), the potential involvement of the National Planning Casework Unit, the definition of a ‘sequential test’, and the availability of an alternative site.

Letters of support from 13 individuals (including one from the Norton-sub-Hamdon Community Land Trust) were received for the proposal.

Letters of objection from 50 individuals were received initially. Following the submission of amended plans a further 3 letters of objection were received. All three were from individuals who had already raised objections.

Objections were raised on the following grounds:

### **Highways:**

- Extra traffic (up to 20 cars) on Minchingtons Close, and construction traffic, causing a nuisance and potentially a hazard, particularly to users of the unfenced play area, and also possibly exacerbating existing parking problems.
- Additional traffic using the narrow bridge in the village, causing a hazard to pedestrians and motorists and increasing congestion.
- Additional traffic through the narrow centre of the village causing a hazard and increased congestion.
- Lack of pavements on route from site to the primary school is hazardous.
- Lack of pavements generally is hazardous.
- The access from Minchingtons Close into Skinners Lane is substandard; therefore any increase in use is potentially hazardous.
- The site will encourage an increase in traffic through the narrow roads leading to, and through, the Ham Hill Country Park causing a hazard to pedestrians and other road users.
- Traffic through Little Norton will increase, which is already a dangerous road.
- There is no public transport passing the site.
- The proposal contravenes the village design statement by adding to traffic problems.
- Increased congestion could cause problems for emergency vehicles needing access.
- Traffic problems may put off much need tourists from visiting the village.

### **Site Choice and Position:**

- Lack of facilities – drains, gas, water, electricity.
- The site is not the first choice of the parish council or many residents. There is a preferred site available at New Road.
- Application site is at ‘wrong’ end of village, further away from existing amenities than the alternative sites.

- Site is greenfield and proposed buildings will not sit pleasantly in it.
- By siting in Chiselborough Parish the site contravenes the village design statement, which aims to preserve existing land use and boundaries, and to prevent loss of the buffer between villages.
- Breaching of historic parish boundary is unacceptable.
- The parish council and the community land trust do not reflect the opinions of the entire village. There have been problems with consultation process.
- The parish council are offering opinions inconsistent with recent opinions given on other planning applications.
- The application should be heard by Regulation Committee as the site straddles committee boundaries.
- Concern over use of Norton facilities by what will be technically Chiselborough residents and precept payers.
- Concern that residents of the site will pay council tax in Chiselborough, and will be represented by different councillors at all levels to the residents of Norton-Sub-Hamdon.
- The proposed site contravenes policy HG9 as it is not adjacent to 'the' settlement of Chiselborough, which is the parish that it will be located in.
- Proposal may set precedent for other development of adjacent greenfield land for similar schemes or garden extensions for neighbouring properties. Such a precedent would be undesirable and would further reduce the buffer between Norton-sub- Hamdon and Chiselborough.
- The development would have a detrimental impact on the landscape and the character of the village.
- Ensuring that houses are used for Norton-sub-Hamdon residents rather than Chiselborough residents may be difficult given the location of the site in Chiselborough Parish.
- Site is contrary to national policy, emerging local plan policy, and village design statement as previously developed land is available as an alternative and should be prioritised above proposed greenfield site.

#### **Other Matters:**

- The proposal will exacerbate existing drainage issues in Norton-sub-Hamdon, in particular recent overflow of the sewers.
- The properties should be level 4 on the Code for Sustainable Homes, as the occupants of the housing deserve the best.
- The survey establishing the need for affordable housing is now out of date.
- Possible footpath through recreation ground is not viable as people are unlikely to choose to use it in the dark or adverse weather conditions.
- The proposal will breach ancient hedge line that should not be breached.
- Parking on top of drainage tank will be expensive; money could be better spent on more housing.
- Response to ecology issues raised is the wrong response and will adversely affect amenity. Instead wildlife should be encouraged to move to allow the access to be put in a more reasonable place.
- Proposed housing mix is wrong, and should instead include more shared equity properties (especially bungalows).
- Site layout appears to be arranged with the presumption of further expansion.
- The proposed quality of design and materials is poor. In particular it makes reference to the post-war housing in Minchingtons Close rather than the wider village aesthetic. 'Modern touches' are out of character in a village typified by historic houses. The proposals are not site specific and make no reference to local vernacular.
- Little reference has been made to the provision of renewable energy sources.
- New residents may be 'time-poor' and therefore inclined to use cars to reach

amenities, and may therefore use shops in other areas that have lower prices and greater choice.

- Local people may be overlooked as potential residents as residents will be chosen from the 'Homefinder Somerset' waiting list.
- Proposed footpath through copse is winding and unlit, therefore designing in crime opportunities.
- Proposed agricultural access is unnecessary and is thinly veiled attempt to provide an access route for further development in the field. The properties and roadways should be re-arranged to exclude further development in the countryside.

## APPLICANT'S CASE

*"With regard to objections received relating to the availability of alternative sites, it should be noted that saved Policy HG9 of the adopted South Somerset Local Plan (2006) does not stipulate anywhere within the wording of the policy, or its supporting text, that a sequential analysis of suitable sites outside of the designated Development Area must be undertaken, and that the best performing site must be chosen. What Policy HG9 actually states is that, where no suitable sites exist within the Development Area, planning permission can be granted for affordable housing on sites adjacent to the village boundary, subject to demonstration of local housing need and the suitability of the identified site in terms of its environmental impact and the availability of necessary infrastructure. This planning application complies with this policy as stated.*

*Notwithstanding the above, a sequential approach to site selection is clearly sound planning practice. As you will be aware from the supporting information submitted with this planning application, my client has previously undertaken a lengthy sequential analysis of potential sites prior to preparation of this planning application. During this process two other potentially suitable sites were identified on land at New Road and Skinner's Lane respectively. However, I am advised that these sites were not previously available to my client at this time; hence their decision to choose the site at Minchingtons Close and to subsequently prepare a planning application for this site.*

*I am advised that since May 2012 the owners of these two sites have indicated that their land may now be available. You will appreciate that a considerable amount of time and expense goes into the preparation of a planning application; hence my client's understandable unwillingness at this late stage (the application was submitted shortly afterwards in August 2012) to incur considerable abortive costs in pursuing an alternative site from scratch.*

*Having regard to the above, it would be wholly unreasonable for the Council to refuse my client's planning application on the grounds that other potentially preferable sites may be available. Whether these sites are indeed suitable for development, having regard to all site constraints and material planning considerations, would appear to be unknown at this stage.*

*Importantly, if approved, the application site can be developed quickly to address an identified housing need within the village that has gone unattended to for many years. The site performs well having regard to its location directly adjacent to the designated Development Area, and is within easy walking distance of all services and facilities within the village. It has been demonstrated during the application process that the site is suitable in terms of its environmental impact and the availability of necessary infrastructure, subject to appropriate mitigation that can be secured by planning condition. On this basis the proposal complies with the Development Plan and, therefore, should be determined in accordance with the Presumption in Favour of*

*Sustainable Development established by paragraph 14 of the National Planning Policy Framework, which clearly states that:*

- *For decision taking this means: ..... approving development proposals that accord with the development plan **without delay** (my emphasis).*

*If other suitable sites are indeed available it is possible that these could help to address any residual housing need within the village under Policy HG9, or otherwise under Policy SS2 of the emerging draft South Somerset Local Plan.”*

## **CONSIDERATIONS**

### **Principle of Development**

The proposed site is outside the defined development area of Norton-sub-Hamdon in a location where residential development would not normally be acceptable as it would be contrary to policy ST3 of the South Somerset Local Plan. There is currently some uncertainty as to how policy ST3 should be applied as it relates to the provision of housing, given the lack of a 5-year housing supply in South Somerset. However, the applicants do not seek to rely on this uncertainty, instead relying on policy HG9 of the local plan which relates to the provision of affordable housing adjoining settlements of less than 3,000 population. The proposed site does indeed adjoin such a settlement and therefore qualifies for consideration under this policy. The policy requires several conditions to be met before the district council may relax normal restrictive open countryside development policies. These conditions are discussed in turn below.

Firstly the policy requires that there is no suitable site within the development area. The applicants have conducted a sequential test of the suitable sites in and around Norton-sub-Hamdon, which has been included in the application. Thirteen possible sites were identified, all of which were outside the defined development area. No suitable alternative sites within the defined development area have been identified. Of the thirteen identified sites three were selected as possibilities and the relevant landowners were approached. Offers were rejected (initially) at two of the sites, whilst the landowner at the application site accepted the offer, and the application process was commenced.

A large proportion of the objections received have been on the grounds that one of the other sites (of the three) is more suitable than the application site, and should be further pursued before the currently proposed site. Arguments have been put forwards that the alternative site is preferable for a variety of reasons, including: a lack of mains facilities (drains, gas, water, electricity) that are more readily available at the alternative site and the site is further away from existing village amenities. However the relevant policy does not require that the best possible site is chosen, merely that there are no alternative sites available within the development area. The alternative site (New Road site) is also not within the defined development area, so there is no reason, within the terms of policy HG9, for it to be pursued above the application site. Whilst it is good practice to pursue the best possible site, it should also be noted that, according to the applicant, and supported by information supplied by Norton-sub-Hamdon Parish Council, the alternative site at New Road was not available until a late stage in the process when much effort and money had already been spent on pursuing the application site. Therefore, if the current site is found to be acceptable in all other respects, it is considered that it would be unreasonable to refuse the application on the grounds that another site, also outside the defined development area, has become available.

The second condition of policy HG9 is that the selected site is suitable in terms of environmental impact and the availability of necessary infrastructure. These are both

areas that need to be discussed in detail in the following sections of this report, but can at this stage, for the sake of establishing a principle, be considered to be acceptable.

The third condition of policy HG9 is that there is a proven local need for such housing. The SSDC Housing Development Officer was consulted as to whether such a need has been satisfactorily proven. She stated that a need for affordable housing in the area was identified through the housing need survey process and is supported by the level of need identified on the Housing Need Register. Therefore, notwithstanding the concern raised by an objector that the housing needs survey is out of date, this condition of policy HG9 is considered to be met.

The final condition of policy HG9 is that appropriate management arrangements are sought to ensure the long term availability of affordable housing. It is considered that such management arrangements could be secured through an appropriately worded legal agreement, which the applicant have indicated that they would be willing to enter in to.

A concern has been raised that the development is not in accordance with the adopted village design statement as the proposal would fail to protect the land between Norton and adjacent villages and would not be confined to the present limits of the village (instead being sited in the parish of Chiselborough). However, it should be noted that the village design statement was adopted in 1999 before the local plan and the National Planning Policy Framework (NPPF). Therefore where the village design statement, as in this case, does not accord with the provisions of the local plan and the NPPF it can only be afforded limited weight.

Similarly it has been argued that as previously developed land is available it should be prioritised over greenfield land. However, the 'previously developed land' referred to is a former plant nursery which is defined as agricultural or horticultural and therefore not included in the definition of previously developed land. Furthermore, as argued above, the site is being sought under policy HG9 which does not require that the best available site is used.

Therefore, as highlighted in the applicant's case above, it is considered that the principle of residential development at the application is acceptable and accords with policy HG9 of the South Somerset Local Plan.

### **Visual Amenity**

The SSDC Landscape Architect was consulted as to the impact of the proposal on the surrounding landscape. He noted that the site is not ideal as it requires an ancient parish boundary to be broken and intrudes into open land. These were both areas of concern noted by various local occupiers, along with concerns that the scheme would erode the buffer between existing settlements, would sit uncomfortably on a greenfield site and would breach an ancient hedgerow. However the Landscape Architect did confirm that ultimately he raised no objection in principle subject to a condition to ensure a timely implementation of the proposed landscaping scheme. He also stated that a close relationship to adjacent housing and potential for landscape mitigation are positives to the scheme. The scheme is outside the development area and outside the historic parish boundary and therefore will inevitably encroach on the 'buffer' between Norton-sub-Hamdon and adjacent villages. However the encroachment is modest in scale and will in no way serve to merge any settlements.

Concerns have been raised that the proposal will set a precedent for further development along a similar vein, or for garden extensions, further reducing this 'buffer'. It has also been alleged that the scheme has been designed (through the provision of an

unnecessary agricultural access) to easily allow further expansion. However, the scheme seeks to take advantage of a very specific policy exception to the normally restrictive countryside development policies, and as such is not considered to set an undesirable precedent. Any further proposals reducing the 'buffer' would be considered on their own merits. It is therefore considered that the scheme, if mitigated through appropriate landscaping, would satisfactorily respect the character of the surrounding landscape in accordance with policy EC3 of the South Somerset local plan.

A concern has also been raised that the proposed quality of design and materials is poor, making reference to the post-war housing in Minchingtons Close rather than the wider village aesthetic. The objector stating that 'modern touches' are out of character in a village typified by historic houses and the proposals are not site specific, making no reference to local vernacular. Chiselborough parish council have also stated a preference for reconstituted stone rather than the proposed buff brick. However the proposed design and materials are considered to be adequate, if not spectacular and the site is visually well separated from the conservation area and listed buildings. Whilst the designs of the houses are standard house types used by the applicant throughout the district, some attempt has been to accord with the existing character of the immediate locality. In particular the use of buff brick and brown tiles, along with the use of slim profile windows with horizontal glazing bars, roof pitches at 45 degrees and reduced soffits with no barge boards. The use of 'modern touches', whilst not necessarily 'in keeping' with local character, is not considered to cause any demonstrable harm.

It is proposed to use brown tiles on the roofs, which, when viewed from the vantage points in the nearby country park at Ham Hill, will not be unduly prominent, even when new.

As such the proposal is considered to satisfactorily respect the character of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

### **Residential Amenity**

The site has been designed to 'complete' the existing street layout of Minchingtons Close, which currently has housing on only one side. There will therefore be some degree of front elevation to front elevation mutual overlooking between the existing houses and the proposed houses. However this is to be expected on most streets, even in rural areas. In any case, due to the proposed retention of the existing hedge, the separation between the facing front elevations will be approximately forty-two metres, which is sufficiently far to prevent any significant loss of residential amenity through overlooking to the existing occupiers of Minchingtons Close. The area in which there is the greatest potential for harm to existing residential amenity through overlooking is the side elevation of plot ten with the side elevation of number one Minchingtons Close. However, the only window proposed to the first floor side elevation of plot ten is a landing window, which it is considered could be conditioned as obscure glazed and restricted opening on any permission issued.

Due to the distances involved it is not considered that there would be any significant impact on residential amenity through overshadowing or overbearing.

A concern has been raised that the extra traffic using Minchingtons Close, both during the construction phase and when the properties are occupied would cause a nuisance to the existing residents of the close. However, it is considered that any harm during the construction phase is likely to be relatively short lived and can be mitigated through the use of an appropriately worded condition on any permission issued limiting the hours that construction can take place. Once the properties are occupied there is no reason to

assume that the traffic generated by ten units is likely to cause a significant nuisance to existing occupiers of the close.

As such the proposal is not considered likely to cause demonstrable harm to the residential amenity of neighbouring occupiers in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

### **Drainage**

A number of concerns have been raised regarding the impact of the proposal on the existing drainage arrangements in Norton-Sub-Hamdon. In particular there is a concern that the existing foul drainage system is already overloaded and the proposal, if allowed, would exacerbate the problem. As such the SSDC Engineer and Wessex Water were consulted.

The SSDC Engineer confirmed that there is indeed a flooding problem in Norton caused by overflow from the main watercourse causing the public foul sewerage system to surcharge. This is in part caused by a lack of separation between the existing foul and surface water systems. However, he concludes that the proposed drainage strategy for the scheme is sound and will ensure that there will be no increase in surface water output from the site above and beyond that which currently arises from undeveloped land. It would be unreasonable to insist that the developer rectifies an existing off-site flooding problem. In relation to the generation of foul water he notes that the proposal will only generate point five of a percent of the capacity of the sewer at peak flow, and as such it would be difficult to sustain an objection on these grounds. He also notes that any new site in Norton would have the same effect on the drainage system. As such, to rule out development on the proposed site due to concerns over the impact on the foul drainage system, would effectively rule out any new development anywhere in Norton-sub-Hamdon. As a slight aside, the SSDC Engineer notes that he has been in discussions with the applicant to try and mitigate the very small increase in foul sewerage by eliminating some of the surface water entering the system from the existing houses in Minchingtons Close. However, the negotiations have not been successful at this point, but such mitigation is not considered necessary for the scheme to be acceptable in terms of drainage impact.

Wessex Water has confirmed the above conclusions of the SSDC Engineer. They have also stated that there is adequate capacity at the receiving sewerage treatment works to accommodate foul flows from the development, that there is adequate capacity within the local water supply system to serve the proposed development, and that the site will be served by separate systems of drainage provided by the developer to adoptable standards.

As such the proposed drainage strategy is considered to be adequate to serve the development in accordance with policy EU4 of the South Somerset Local Plan.

### **Highways**

A large proportion of the objections raised by neighbouring occupiers relate to the implication of the proposal on various highway matters. In particular the concerns relate to the impact of ten new dwellings at this point in the village on the surrounding road network, which is narrow at several points and already prone to safety and congestion issues including a lack of appropriate pavements and access for emergency vehicles. Other concerns relate to exacerbating existing parking problems on Minchingtons Close, extra traffic causing a potential hazard to users of the existing unfenced play area, lack of public transport passing the site, and increased traffic problems potentially putting off much needed tourists from visiting the village.

The Highway Authority was consulted as to the proposed scheme and commented in detail on the transportation aspects of the scheme. They raised no objection to the principle of the scheme and did not conclude that the proposal would exacerbate any existing traffic issues in the village to an unreasonable degree. As such, notwithstanding the concerns of neighbouring occupiers, it is not considered that the development should be constrained due to any impact on the safety of the surrounding highway network, to the congestion levels of the village, or to the safety of the users of the existing play area. The Highway Authority did raise some concerns with the proposed details and layout, and amended plans have been submitted in order to address these concerns. At the time of writing the Highway Authority have not commented to confirm whether the amended plans satisfactorily address their concerns, and as such a verbal update to the committee will be provided in relation to this issue.

In regard to whether the proposal will exacerbate existing parking problems in Minchingtons Close, it is noted that a total of thirteen new parking spaces will be provided for the use of existing residents, as well as two spaces for each of the proposed dwellings. As such, it is not considered that the development will lead to any increase in parking issues, and may indeed have the opposite effect.

The site is considered to be within walking distance of the existing village amenities including bus stops. As such it is not considered that the concern put forwards that public transport does not pass the site should constrain the development.

Finally, in this section, notwithstanding the issue raised there is no reason to suppose that the provision of ten new dwellings, and associated traffic, will serve in any way to discourage tourists from visiting Norton- sub-Hamdon.

## **Ecology**

An ecology report was commissioned by the applicant and submitted as an appendix to the design and access statement. The SSDC Ecologist was consulted in relation to the results of the survey and any impact the development may have on on-site ecology.

The applicant commissioned survey reports some use of the site by dormice and badgers (both protected species), but concludes that the development is likely to have a low ecological impact subject to certain mitigation measures.

The SSSD Ecologist, on the basis of the submitted report, has reached a similar conclusion subject to the imposition of a condition on any permission issued to ensure an appropriate mitigation strategy is adopted in relation to dormice. He also requests certain informatives are included in relation to the mitigation strategy and the presence of badgers on site.

The Ecologist notes that the removal of dormouse habitat (hedge for access) will require an assessment against the three Habitats Regulations tests to be carried out. He has stated that the interpretation of these tests should be proportional to the level of impact on a European Protected Species (EPS), which in this case is low. As such, a broad interpretation of tests one and two would be appropriate. This assessment is included below:

- 1) The development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The development will provide ten units of affordable housing. The provision of affordable housing will meet an identified need in the village and as such it is considered imperative for social reasons. There is also currently a clear steer from central government that house building is considered important for the country's economic recovery. As such the proposal is also considered imperative for economic reasons.

2) There is no satisfactory alternative.

As already established above the impact on EPS will be low. There is no reason to assume that any alternative sites within the village, that could also provide affordable housing, would have any less of an impact on EPS. In any case no alternative sites have been brought forwards by the applicant for development.

3) The development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

The SSDC Ecologist has concluded that favourable conservation status is likely to be maintained. The very limited extent of dormouse habitat at the site is likely to support no more than several animals at most and most of it will be retained. He states that the section to be removed will be adequately compensated for by new habitat planting. He notes that the location of the site immediately adjacent to the village makes it unlikely that the site forms part of a corridor important for the migration or dispersal of dormice. Finally he remarks that protective measures for the existing dormouse habitat, and measures to minimise risk of harm to dormice during hedge removal, will be sought by a planning condition.

A concern has been raised that the response to ecology issues put forwards by the applicant is the wrong response and will adversely affect amenity. Instead wildlife should be encouraged to move and the access put in a more 'reasonable' place. However, the highway authority have not raised a concern regarding the positioning of the access, there is no apparent reason why the access sited in the proposed position would have a negative impact on residential amenity, and the SSDC Ecologist is satisfied with the proposed ecology mitigation proposed.

It is therefore concluded that the three Habitats Regulations tests are satisfactorily met, and the impact on protected species and habitat can be satisfactorily mitigated in accordance with policy EC8 of the South Somerset Local Plan.

## Contributions

The SSDC Community, Health and Leisure Service and the SSDC Open Spaces Officer were consulted as to whether contributions towards open space and strategic and local facilities are necessary. The Open Spaces Officer requested a contribution towards off-site expenditure of £2,550.60 in lieu of providing on site open space in line with policy CR3 of the South Somerset Local Plan. The Community, Health and Leisure Service have requested a contribution of £8,602.18 towards local facilities, £16,064.87 towards strategic facilities, £4,968.76 as a commuted sum towards the upkeep of any equipped play provided using the local contribution, and £296.36 as an administration fee for the Community, Health and Leisure Service.

The applicants have indicated that if they are required to make any of the contributions listed above the scheme would not be viable. They have submitted a viability report in support of this argument, which has been independently assessed by the District Valuer. The SSDC Development Valuation Officer has assessed the submitted information and is in agreement with the applicant and the District Valuer that the scheme would not be viable were the applicant to be required to make any of the contributions listed above.

Notwithstanding the above the applicant has indicated that they are willing to find funds from alternative sources to pay the request of an off-site local contribution of £8,602.18. It is considered that this sum can be secured as part of an appropriately worded S106 legal agreement between the applicant and the district council.

### **Other Matters**

The SSDC Climate Change Officer was consulted as to the impact of the development on climate change. He had a fundamental objection to the scheme in that he has asked for the development to be built to Code for Sustainable Homes Level 4 as required by policy EQ1 of the emerging local, including more specific reference to the inclusion of renewable energy sources. This argument was also brought forwards by an objector. However, the design and access statement submitted by the applicant makes it clear that they will only be aiming for Level 3 of the Code for Sustainable Homes. Whilst the target of Code Level 4 is laudable it is not required by the current local plan or the NPPF. The emerging local plan is still at the consultation stage and there have been a significant number of objections lodged to the proposed policy EQ1. As such, very limited weight can be applied to the requirements of this policy. The applicants have indicated that the economics of the development are very finely balanced (as discussed in detail above). As such, any requirement to further improve the standard of development would be likely to render the scheme unviable, and would be unreasonable given the policy context discussed above.

A concern has been raised that the mooted footpath through the recreation ground would not be viable as people would not choose to use it in the dark or adverse weather conditions. However, the footpath does not form a part of the scheme, and if achieved would be a completely separate matter. As such, its viability cannot be considered here. Similarly a concern has been raised that the proposed footpath through the copse is winding and unlit, therefore designing-in crime opportunities. This footpath does form a part of the scheme, but has only been provided to accommodate a 'desire line' for pedestrians seeking to access the nearby recreation ground. As such, there would be no compelling reason for its use at night time and the imposition of street lighting would clearly be inappropriate in a copse in a rural location. It is therefore not considered that the winding nature of the proposed path and lack of street lighting should constrain the development.

A concern has been raised that the proposed parking on top of a drainage tank would be expensive, and such money could be better spent on more housing. However, it is not for the LPA to dictate the way in which the underground drainage situation is sited, as long it satisfactorily achieves its purpose. Furthermore no evidence has been provided that siting the necessary tank under a parking area would be any more expensive than anywhere else.

A concern has been raised that the proposed housing mix is wrong, and should instead include more shared equity properties. However, as the SSDC Housing Officer is satisfied with the proposed mix it would be unreasonable to sustain an objection on these grounds.

A concern has been raised that the future residents may be 'time-poor' and therefore inclined to use their cars to access facilities outside the village rather than walk to local facilities. However, there is no reason to suppose that the residents of the proposed developments would be any more 'time-poor' than any existing residents of the village or any less likely to use local facilities.

A concern has been raised that local people may be overlooked when choosing tenants for the proposed housing, or that Chiselborough residents may be prioritised over Norton

residents. However, it is considered that this can be satisfactorily controlled through an appropriately worded legal agreement on any permission issued.

The role of the Parish Council and the Community Land Trust in the application process has been questioned by various objectors, including an alleged lack of objectivity and a suggestion that the parish council do not represent the views of the majority. However the parish council are democratically elected and do therefore represent the majority view as far as can be possible in a representative system. The parish councils of both Norton-sub-Hamdon and Chiselborough are supportive of the scheme. Any concern over a lack of objectivity or inconsistency by the parish council is not matter to be considered as part of the planning process and should be taken up with an appropriate authority.

The public consultation process undertaken by the applicant, the parish council and the community land trust has been brought into question. However, the information submitted in support of the application relating to public consultation is considered to be satisfactory. The SSDC Area Development Manager (North), when consulted, highlighted that the site selection process included a public consultation event, widely advertised in the community. She noted that responses received from the community together with further site investigations and pre-application with statutory bodies were fully considered and adaptations to the initial designs made to address local concerns and mitigate impact.

The final area of concern that has been raised is linked to the proposed site being situated in the parish of Chiselborough rather than Norton-sub-Hamdon. Firstly it was argued by an objector that, due to the site straddling the boundary, the matter should be considered by Regulation Committee rather than this Committee. However, which Committee considers an application is not a matter for debate within the consideration process, and the application is before this Committee on the advice of the SSDC Legal Department. It was also argued that Norton facilities would be being used by Chiselborough residents and precept payers, and the residents of the development would be represented by different councillors to Norton residents at all levels. However, the siting of parish boundaries is not directly a planning matter, nor is the local electoral or tax collection systems. As such these issues cannot be considered any further as part of this application process.

## **Conclusion**

A need for affordable housing in Norton-sub-Hamdon has been established and such a need has not been widely disputed. Whilst the proposed site may not be everybody's first choice for the development, it is an appropriate location for ten units of affordable housing and such a provision will go a long way to answering the established need.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be acceptable in principle, to respect the character of the area, to cause no demonstrable harm to residential amenity or highway safety, and to be acceptable in all other regards, in accordance with policies ST3, ST5, ST6, EC3, EC8, EU4, CR3 and HG9 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

### **S.106 Agreement**

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

- Secure the agreed contribution to off-site play provision, and
- Ensure that all the units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan.

## RECOMMENDATION

That application reference 12/03221/FUL be approved subject to:-

- a) The prior completion of a Section 106 Agreement (in a form acceptable to the Council's Solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
  1. The agreed contribution to off-site play provision is secured, and
  2. To ensure that all the units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan.
- b) A favourable response from the highway authority in relation to the received amended plans, and any conditions suggested therein, and
- c) The following conditions:

### Justification

The principle of ten units of affordable housing is acceptable in the proposed location and is considered to respect the character of the area, to cause no demonstrable harm to residential amenity or highway safety, and to be acceptable in all other regards, in accordance with policies ST3, ST5, ST6, EC3, EC8, EU4, CR3 and HG9 of the South Somerset Local Plan and the aims and provisions of the NPPF.

### Conditions

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: The Design and Access Statement and 80504-103 received 21 August 2012, SK35E, SK60, SK61A, SK62, SK63A, SK64, SK65A, SK66, SK67A, SK68, SK69A, SK70A received 06 September 2012, and 80504-100A, 80504-101A, 80504-102a, SK15K received 16 November 2012.

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

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
- c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d. details of all hardstanding and boundaries
- e. details of the rainwater goods and eaves and fascia details and treatment.

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

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

04. All planting, seeding, turfing or earth moulding comprised in the details of landscaping set out in drawing 489/01 P1 dated 13 August 2012 shall be carried out in the first planting and seeding season following the completion of the development; 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: In the interests of visual amenity and in accordance with policies EC3, ST5 and ST6 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced (particularly any hedge or scrub removal) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a dormouse mitigation plan and method statement, based on the proposals set out in the ecology statement submitted with the application. The works shall be implemented in accordance with the approved details and timing of the dormouse mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise 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.

06. Prior to the occupation of the dwelling at plot 10 hereby approved the first floor window on the north elevation shall be obscurely glazed and of restricted opening. The mechanism of restricting the opening and the level of obscurity shall have been agreed in writing with the local planning authority. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority.

Reason: To ensure the privacy of the adjoining occupiers in accordance with policy ST6 of the South Somerset Local Plan (Adopted April 2006).

07. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

08. The drainage systems as detailed in plans 80504-101A, 80504-102A received 16 November 2012 and 80504-103P2 received 21 August 2012 shall be fully implemented prior to the occupation of the dwellings hereby approved and shall be

maintained in good working order at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

09. No development hereby permitted shall be commenced unless details of the proposed finished ground floor levels and associated levels changes within the site have been submitted to and approved in writing by the local planning authority. Once agreed there shall be no variation of these floor levels without the prior written consent of the local planning authority.

Reason: The local planning authority wish to ensure that the proposal does not have an adverse effect on the setting and character of the area in accordance with Policies ST5 and ST6 of the South Somerset Local Plan adopted April 2006.

10. The area allocated for parking on the submitted plans labelled 1a – 10b shall be used only for the parking of vehicles in connection with the development hereby approved and kept clear of all other obstructions. The area allocated for parking on the submitted plans labelled 'new spaces for existing residents' shall be used only for the parking of vehicles in connection with the residential occupation of the existing dwellings in Minchingtons Close and kept clear of all other obstructions.

Reason: In the interests of highway safety and in accordance with policies ST5 and TP7 of the South Somerset Local Plan.

11. Any other conditions as reasonably requested by the County Highway Authority.

### **Informatives**

01. In respect of condition 05, the dormouse mitigation plan and method statement should include measures for the protection during construction of dormouse habitat to be retained (e.g. protective fencing, limits on lighting) and measures to minimise risk of harm to dormice during hedge/scrub removal (e.g. timing, methodology, ecological inspection/supervision).
02. Before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) may be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
03. Badgers are active at the site and may create 'outlier setts' (temporary setts) at any time, in areas that would be affected by development works. An outlier sett was observed on site by the consultant ecologist and may require closure under licence from Natural England (normally restricted to July to November inclusive). Update surveys for badgers are recommended prior to commencing development in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development.