

Officer Report On Planning Application: 20/03243/FUL

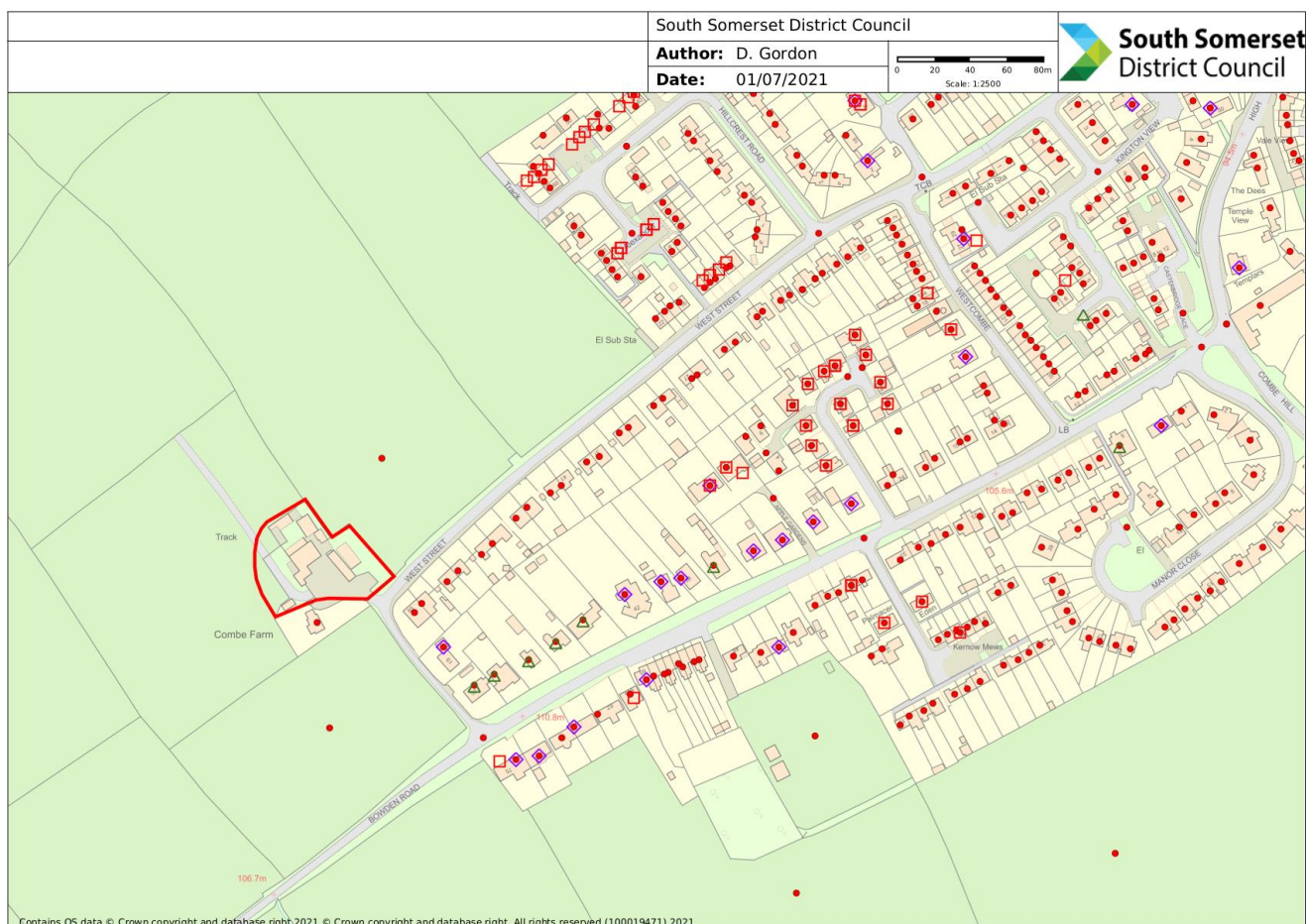
Site Address:	Coombe Farm West Street Templecombe
Ward :	BLACKMOOR VALE
Proposal: CIL Liable = YES	Demolish farm buildings and domestic garage and erect three detached houses and two semi-detached dwellings, garages with parking and amend field access.
Recommending Case Officer:	Peter Thomas (Specialist)
Target date/Ext of time	9th February 2021
Applicant :	Mr Andy Ham - White Hart Company
Type : 06	Minor Dwellings 1-9 site less than 1ha

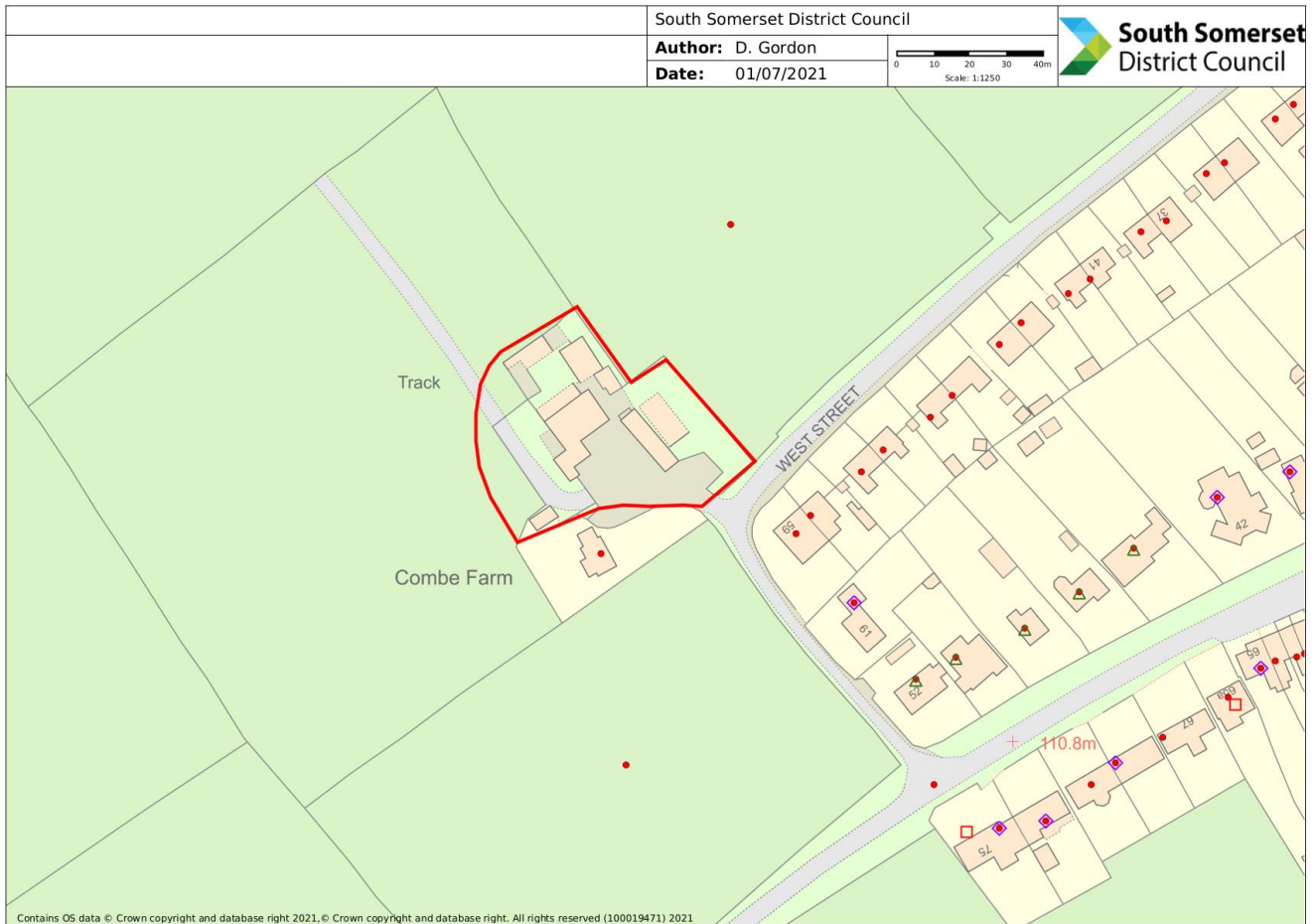
REASON FOR REFERRAL

This application has been referred to committee following an objection raised by the Ward member:

I do not agree with the officer recommendation as it breaches policy SS2. The council now has a five year land supply and permission this development was given before the decision to build 49 houses further down west street putting an unacceptable strain on local roads.

After that permission was granted SSDC then discovered we had reached our five year land supply, and rural settlements have already had more than its number of building permissions.





SITE DESCRIPTION AND PROPOSAL

This application seeks permission for the erection of 5 dwellings and associated garaging. They would comprise three detached and two semi detached properties all at two storeys high.

Materials include Southwold Bradstone with natural slate, grey boarding, and off-white render along with dark coloured window frames and rainwater goods.

The site consists of a collection of disused farm buildings. There is a dwelling to the west which falls outside of the red line site area of this application, but was included in the previous approval for four dwellings.

The site is close to a variety of residential properties to the south east, with open countryside to the southwest, west and north. There is an open field immediately to the east, with a variety of residential properties beyond.

HISTORY

93/02089/AGN - Notification of intent to erect an agricultural garage/store - Permission not required 31/03/1993

9261 - Nissen hut as implement shed - Conditionally approved 11/05/50

2809 - Erection of dwellinghouse and formation of vehicular access - Approved 31/03/1949

2272 - Erection of cowstall and dairy - Approved 04/03/1949

18/02084/FUL Erection of 4 No. dwellings and associated garaging -approved

On adjoining land:

00/01366/OUT - Residential development of land comprising thirteen dwellings - Application refused 14/07/2000 - Dismissed at appeal 14/11/2000

19/01604/OUT Outline application with all matters reserved save for access for residential development for up to 49 dwellings including landscaping, drainage and new vehicle access from West Street.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places

CONSULTATIONS

Abbas and Templecombe Parish Council

The Members of Abbas and Templecombe Parish Council have considered planning application no 20/03243/FUL - Coombe Farm West Street via email and are in support of the proposed application but have serious reservations about the local roads in the area, namely West Street and the narrow section of road leading out to Bowden Road which is to all intents and purposes a single-track road, due to the additional traffic generated by this and other proposed development on this road.

County Highway Authority

Following submission of the original recommendation, it has been clarified that the new road is not going to be offered up for adoption as highway maintainable at public expense. In this regard, whilst the principle of our position remains the same the previously noted technical details will not be required to be shown on a suitable plan. This Authority is still content that a development of only 5 units will not create a major highway safety or efficiency issue in this location and as such, this Authority does not have any objections to the principle of the development.

Where the new access road joins the carriageway on West Street all works which affect the highway will need to be covered by a s278 agreement. In the event of permission being granted, I would recommend that the conditions previously requested are imposed.

SSDC Ecologist

Having reviewed the details of the proposal and the supporting ecology report prepared by Lowans Ecology & Associates I have the following comments.

In 2018 Countryside Contracts completed bat activity surveys of the Site and recorded brown long eared bats roosting in buildings 1, 1A and 4. The survey concluded a small number of this species were using the specified buildings as occasional day and night feeding roosts.

In 2020 Lowans Ecology & Associates completed a preliminary roost assessment of the Site and concluded that buildings 2, 3, 5, 6 & 7 have NEGLIGIBLE potential for bats to be roosting in them and that buildings 1, 1A and 4 had extremely LOW potential for bats to be roosting in them. No activity surveys were recommended. It was recommended that the demolition works were undertaken under an Agreed Method Statement.

Best practice guidelines for a structure assessed as having LOW bat roost potential, Bat Survey Guidelines 2015, require that a single bat activity survey is completed to determine the presence or absence of bats using the building. In light of this guidance and the 2018 records for brown long eared bats roosting in buildings 1, 1A and 4 I am placing a HOLDING OBJECTION on this application pending receipt and review of a bat activity survey report for these buildings.

Somerset Wildlife Trust

Biodiversity Survey provided by Lowans Ecology and Associates. We would fully support the findings of that survey as well as the recommendations for Mitigation and Enhancement. These recommendations should be included in the Planning Conditions if it is decided to grant Planning Permission.

SCC Archaeology - No objections

Contaminated Land

Given what we have, and as a minimum in terms of further investigation, it would be appropriate to require that the following watching brief is adopted towards compliance with the existing condition for this development:-

Contaminated land watching brief

In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

For the avoidance of doubt, the above measure does not require the full implementation of section 1 of the contaminated land condition (Phase I site investigation... etc.). However, any identification of signs of pollution will require the reversion to the detail of that existing condition.

Please note: in addition to the Sitecheck report, evidence of compliance with the contamination land watching brief should be supplied detailing:-

- o any findings, or none,
- o any necessary, subsequent measures to comply with the original planning condition.

The above would be seen by this Department as fulfilment of the condition.

Wessex Water - There must be no surface water connections into the foul sewer network. The planning authority will need to be satisfied that soakaways will work here and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations.

REPRESENTATIONS

1 letter of objection received:

This development represents further development on the site compared to previous applications. This is now becoming an overdevelopment of the site.

Concerns regarding the road and construction traffic

The access design could lead to vehicles traveling at speed

It is noted that Wessex Water has stated the surface water strategy is unacceptable in their report - could lead to flooding

Doesn't seem like equal treatment

CONSIDERATIONS

Principle of Development

Templecombe is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is policy SS2 of the South Somerset Local Plan.

There is an existing planning permission on this site for 4 dwellings and represents a legitimate fall-back position but was approved a time when the council could not demonstrate a five year supply of land

The proposal increases this number 1, and the council now considered that it has a five year supply of land. In that respect policy SS2 of the Plan will apply. This states that:

Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

Provides employment opportunities appropriate to the scale of the settlement; and/or Creates or enhances community facilities and services to serve the settlement; and/or

Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.

Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41.

This proposal would allow for two smaller sized dwellings in a location which has previously been found to be acceptable for new housing. Indeed, 49 dwellings have been approved subject to 106 immediately adjoining this site. The approved proposal was for four 4 bedroom houses. The new mix allows for two 3 bedroom houses. The increase in number by 1 is very modest and would not result in any harm to the original layout. As a fall back, there is an agricultural building on the site, and it is considered very realistic that these buildings would have a chance of being converted under permitted development rights whereby 5 smaller dwellings would be permitted. Chapter 11 of the National Planning policy Framework states that it should be ensured that ensure that developments make optimal use of the potential of each site.

Given the above, the addition of a further smaller dwelling on this site is considered to be acceptable.

Highways

Local concern has been raised in regard to the proposed access arrangements and highway implications of the development. However, the Somerset County Council Highway Authority have been consulted and considered the scheme in detail. They have raised no objections to the proposal, stating that "*This Authority is still content that a development of only 5 units will not create a major highway safety or efficiency issue in this location and as such, this Authority does not have any objections to the principle of the development.*"

As such, subject to various conditions on any permission issued and notwithstanding the local concern in this area, any impact on highway safety is considered to be acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives the NPPF. Some of the conditions suggested by the highway authority need to be adjusted to ensure they meet the relevant tests.

Visual Amenity

Previously, it was considered that the SSDC Landscape Architect was consulted as to the impacts of the scheme at the pre-application stage, and was content that development could be accommodated without harm to the character of the landscape, subject to a suitable planting scheme and adjustments to the proposal. It is considered that this proposal would also similarly not harm the appearance of the site and surrounding area given its form and design. It is considered that an appropriate planting scheme can be secured through the imposition of a landscaping condition on any permission issued. On this basis, it is considered that there will be no adverse impact on the character of the wider landscape. It should be noted that there is an outline approval for 49 dwellings adjacent to this site and therefore this proposal will assimilate with that built form.

The proposed design and materials of the development are considered to be of an acceptable standard, which will have no adverse impact on the character of the surrounding area.

As such, subject to appropriate detail to be secured through conditions on any permission issued, and notwithstanding local objections in this area, it is considered that the proposed development would preserve the character of the area in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Due to the position and design of the proposed development there would be no adverse impact on the amenity of adjoining occupiers by way of overshadowing, overlooking, or overbearing to existing or proposed properties.

Therefore, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Ecology

The SSDC ecologist was consulted who raised concerns that best practice guidelines for a structure assessed as having LOW bat roost potential, Bat Survey Guidelines 2015, require that a single bat activity survey is completed to determine the presence or absence of bats using the building. In light of this guidance and the 2018 records for brown long eared bats roosting in buildings 1, 1A and 4 and placed a holding objection on the application.

Since then, a further bat survey has been carried out. This has identified that

The trees have no PRF's that could be used by bats. No evidence of bats were found in the buildings during the survey in March 2020. No bat droppings or feeding remains were found on the white paper put down in Buildings 1, 1A, and 4 on 25/02/2021 during the surveys in May 2021. No bats emerged from buildings 1, 1A and 4 during the dusk emergence surveys on 5/05/2021 and 19/05/2021. Noctule bats were heard during the survey on 5/05/2021, no bats were heard or seen during the survey on 19/05/2021. Although the weather has been colder and wetter during May 2021, various species of bat have been recorded at other sites by the surveyors during May, indicating that if bats were present within the site they would have expected to have been recorded.

The surveys carried out by County Contracts in 2018, concluded that 'building 1 and 1a is being used by brown long-eared bat(s) as an occasional day time and night time roost. Building 4 is used as an occasional night time perch by long-eared bat(s). It is likely that only a single bat is using the buildings'.

The surveys carried out by Lowans Ecology & Associates in 2020 and 2021 found no evidence of bats within the buildings. Taking into consideration the findings of the bat surveys, bats are considered to no longer be present within the site, there will be no adverse impacts on bats due to the proposed work.

No evidence of bats were found in the buildings during the survey in March 2020. No bat droppings or feeding remains were found on the white paper put down in Buildings 1, 1A, and 4 on 25/02/2021 during

the surveys in May 2021. No bats emerged from buildings 1, 1A and 4 during the dusk emergence surveys on 5/05/2021 and 19/05/2021. Noctule bats were heard during the survey on 5/05/2021, no bats were heard or seen during the survey on 19/05/2021. Although the weather has been colder and wetter during May 2021, various species of bat have been recorded at other sites by the surveyors during May. Indicating that if bats were present within the site they would have expected to have been recorded.

The report identifies a number of mitigation and enhancement measures that can be incorporated into the proposal. Given the findings of the report and with a suitable condition, it is considered that the application is acceptable in terms of ecology.

Wessex Water

After concerns raised by Wessex water regarding surface water runoff into the foul drainage water network. Amended plans to show an onsite attenuation tank with soakaways to ensure no surface water from the development enters the highway have been submitted.

Wessex Water have stated that there must be no surface water connections into the foul sewer network. The planning authority will need to be satisfied that soakaways will work here and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations.

Even given these comments, there is approval for 4 dwellings on this site with no attenuation tank. The tank would be subject to building control, and it is considered that given the fall-back position that the proposal as submitted is acceptable.

Contaminated Land

There was no contaminated land condition on the previous approval, but the contaminated land officer has recommended conditions including a watching brief.

Contributions and Other Benefits

The scheme is however liable for the Community Infrastructure Levy (CIL).

Other Matters

A concern has been raised locally as to inconsistent decision making, referring specifically to a refusal of a dormer window. However, there appears to be no similarity between the cases and no obvious inconsistency.

It is considered that some of the requirements of policy TA1 (Low Carbon Travel) of the South Somerset Local Plan (i.e. electric vehicle charging points) can be secured through the imposition of a suitable condition on any permission issued.

Conclusions and the Planning Balance

Given the consent for four dwellings, it is considered that the addition of a smaller dwelling would be consistent with the aims of policy SS2. There are no highway objections to this proposal, and it is therefore considered that the recommendation is for approval of this proposal.

RECOMMENDATION

That application be **approved** for the following reason:

01. The principle of development is considered acceptable as the identified harm does not significantly and demonstrably outweigh the benefits of the scheme. The proposed development of the site would respect the character of the area, with no demonstrable harm to highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, TA5, TA6, EQ2, and EQ4, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location and Site Plan

5016 D01 rev C
5016 proposed plans and elevations
1096-01-PHL-101-A
Lowans Ecology 7 Associates biodiversity Assessment Version no 2
Landmark sitecheck report

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

03. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Procedures for emergency deviation of the agreed working hours shall be in place.
South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared. Control measures shall be in place for control of dust and other air-borne pollutants.
Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers

04. 12. Prior to their first use on the building, details of the materials to be used shall be submitted to and approved in writing by the Local planning authority. The works shall be carried out in accordance with the approved details.

Reason - in the interests of visual amenity in accordance with policy EQ2 of the south Somerset Local Plan

05. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) for at least the first 5 metres from the highway edge, and shall be maintained in that fashion thereafter at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

06. The drainage details shown on plan 5016 D01 rev C shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policy EQ2 of the South Somerset Local Plan.

07. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

08. Prior to first occupation of the dwellings hereby permitted, 16amp electric charging points for electric vehicles shall be provided adjacent to the parking spaces or within the garages shown on the approved plan 2532-PL-02B. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

09. The development shall be carried out in accordance with the recommendations contained in the biodiversity report carried out by Lowans Ecology & Associates updated 21.05.21.

Reason - In the interests of Ecology in accordance with policy EQ4 of the South Somerset Local Plan and the provisions of the national Planning Policy Framework.

10. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details. Evidence of compliance with the watching brief, including details of any findings or none shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of appropriate remediation in accordance with policy EQ7 of the south Somerset Local Plan

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

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

12. The area allocated for parking and turning on the submitted plan, drawing number 2532-PL-02B, including the proposed garages, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

02. The applicant may be required to enter into a suitable legal agreement/licence with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement will in advance of commencement of development.

03. The lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage