

### **Officer Report On Planning Application: 18/00650/OUT**

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| <b>Proposal :</b>                        | Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application) |
| <b>Site Address:</b>                     | Knights Templar Court Nursing Home Throop Road<br>Templecombe BA8 0HR  |
| <b>Parish:</b>                           | Abbas/Templecombe  |
| <b>BLACKMOOR VALE Ward (SSDC Member)</b> | Cllr William Wallace<br>Cllr Hayward Burt  |
| <b>Recommending Case Officer:</b>        | Martin Lee<br>Tel: 01935 462645 Email: <a href="mailto:martin.lee@southsomerset.gov.uk">martin.lee@southsomerset.gov.uk</a>        |
| <b>Target date :</b>                     | 18th June 2018   |
| <b>Applicant :</b>                       | Lawsh One Ltd  |
| <b>Agent:<br/>(no agent if blank)</b>    | Mr Chris Miell Pure Town Planning<br>Suite 7 Pine Court<br>36 Gervis Road<br>Bournemouth<br>BH1 3DH                                |
| <b>Application Type :</b>                | Major Dwlgs 10 or more or site 0.5ha+  |

### **REASON FOR REFERRAL TO 20<sup>TH</sup> JULY 2021 REGULATION COMMITTEE**

The Regulation Committee last considered this application on 20th November 2018 (following referral from Area East Committee) and resolved to grant the application subject to completion of a S.106 Legal Agreement to secure the relevant Planning Obligations. Officers have negotiated positively in an effort to resolve an acceptable Agreement, to the point where it solely remained for the Applicant to complete the signature of the Agreement. Despite repeated requests the Applicant has chosen not to complete the Agreement. Accordingly, the application is hereby returned to Regulation Committee with the following officer recommendation for refusal.

### **CURRENT RECOMMENDATION TO THIS 20<sup>TH</sup> JULY 2021 REGULATION COMMITTEE**

#### **Refuse Planning Permission due to the failure to complete:**

a) A section 106 agreement (in a form acceptable to the Council's solicitor(s)) in order to enable planning permission to be issued by providing an appropriate, robust mechanism to deliver the following planning obligations:

- Three affordable housing units on-site;
- A financial contribution towards affordable housing provision off-site; and
- A Travel Plan

For the following reason:

01. Whilst the principle of residential development on this vacant brownfield site within Templecombe village is considered acceptable (with the submitted illustrative plan demonstrating that 19 dwellings at a density of 20.4 units per hectare may be accommodated utilising the existing access off Troop Road, and other matters including appearance, landscaping, layout and scale may reasonably be considered at the reserved matters stage) it is the lack of an appropriate, robust mechanism to secure delivery of the necessary planning obligations of affordable housing and a Travel Plan which means the proposal is

considered to be contrary to the aims and objectives of Policies SD1, SS4, SS5, SS6, SS7, HG2, TA1, TA5, HW1, EQ1, EQ2 and EQ4 of the South Somerset Local Plan and the aims and provisions of the NPPF

- (1) The proposal fails to provide an appropriate mechanism to secure the essential planning obligations required to effectively mitigate the anticipated impacts/demands which the development and the additional residents will create and is accordingly contrary to policy SS6 of the adopted South Somerset Local Plan.

## **REASONS FOR PREVIOUS REFERRALS**

### **1. Regulation Committee on 21st August 2018**

The application had been referred to the Regulation Committee on 21st August 2018 where it was deferred pending the resolution of outstanding ecology matters. Those ecology issues had been addressed prior to the 20<sup>th</sup> November 2018 Regulation Committee Meeting.

### **2. Area East Committee on 11<sup>th</sup> July 2018**

The Area East Committee considered this application on 11<sup>th</sup> July 2018 and resolved to refuse the application for the following reason:

- (2) The proposal fails to address the requirements of the Templecombe settlement and would add to pressures on local services. As such it is contrary to policy SS2 of the adopted South Somerset Local Plan.
- (3) The proposal fails to provide pedestrian and cycle access and would compromise the safety of the local road network. As such it is contrary to policy TA5 (ii) and (iii) of the adopted South Somerset Local Plan including, should the scheme eventually be approved, strengthened conditions on water capacity; sewage management and anti - flooding.



Attached below as an Appendix is the report that went to the Regulation Committee on 20<sup>th</sup> November 2018.

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| <b>Parish:</b>                                | Abbas/Templecombe   |
| <b>BLACKMOOR VALE<br/>Ward (SSDC Members)</b> | Cllr William Wallace<br>Cllr Hayward Burt   |
| <b>Recommending Case<br/>Officer:</b>         | Jeremy Guise<br>Tel: 01935 462645 Email: jeremy.guise@southsomerset.gov.uk  |
| <b>Target date :</b>                          | 18th June 2018  |
| <b>Applicant :</b>                            | Lawsh One Ltd   |
| <b>Agent:<br/>(no agent if blank)</b>         | Mr Chris Miell, Pure Town Planning,<br>Suite 7 Pine Court, 36 Gervis Road, Bournemouth BH1 3DH                                      |
| <b>Application Type :</b>                     | Major Dwlg 10 or more or site 0.5ha+  |

### **REASON FOR REFERRAL**

The Area East Committee considered this application on 11<sup>th</sup> July 2018 and resolved to refuse the application for the following reason:

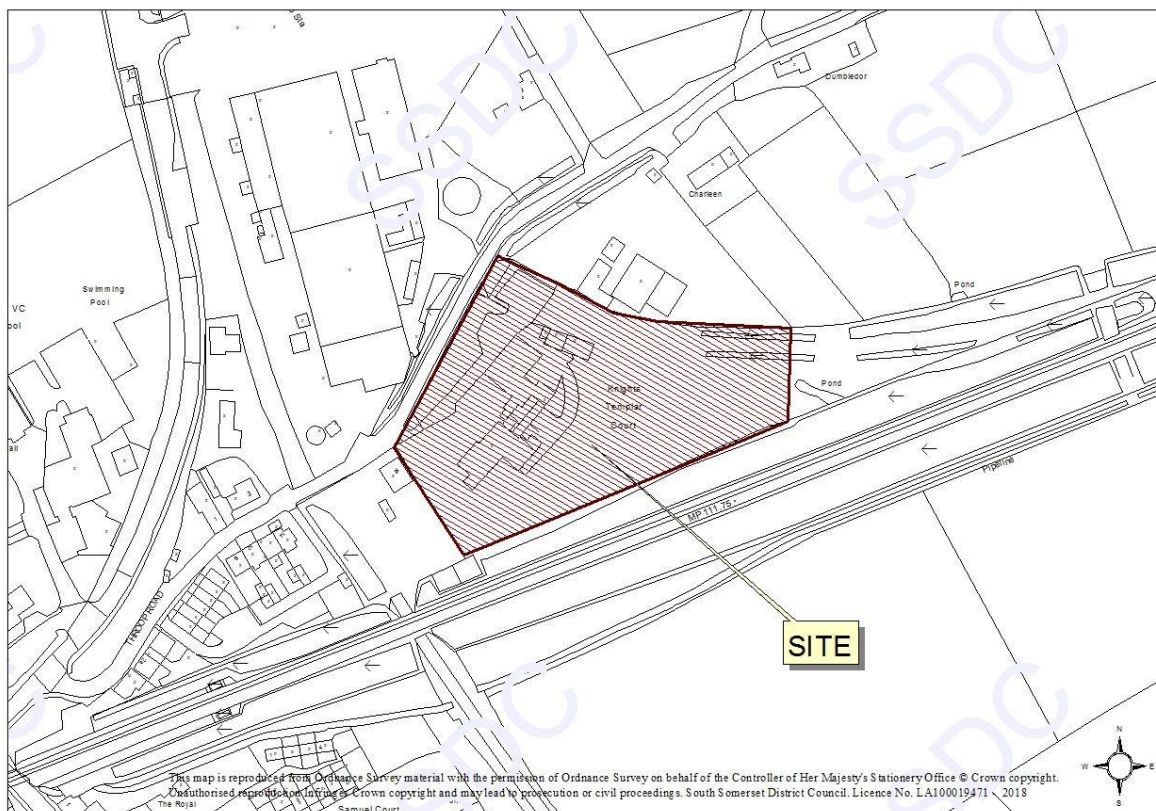
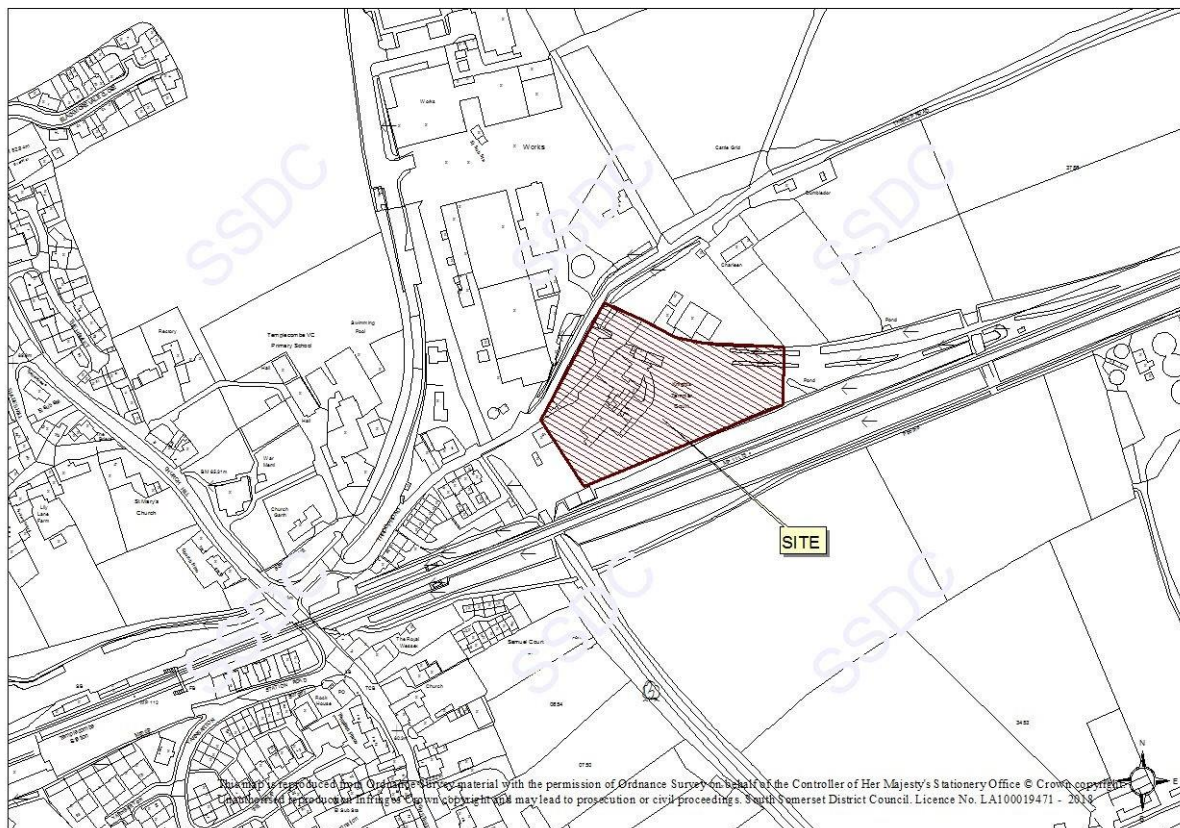
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The application was subsequently referred to the Regulation Committee on 21<sup>st</sup> August 2018 where it was deferred pending the resolution of outstanding ecology matters. These ecology issues have since been addressed, as such the application has now been brought back to the Regulation Committee for determination.



# AREA EAST COMMITTEE REPORT

## SITE DESCRIPTION AND PROPOSAL



The application site is a roughly triangular shaped piece of land, accessed from the west off Throop Road. It is approximately 0.93ha in size, located in a 'bowl' of lower land to the north of the London Waterloo to Exeter railway line and on the eastern fringes of Templecombe.

The site has been vacant since June 2017, but was previously occupied by the Knights Templar Court Nursing Home and its' landscaped grounds (Use class category C2). The nursing home premises comprise: a late eighteenth / early nineteenth century stone built house in the centre north of the site and a series of linked modern extensions located mainly in the south east. There's a brick built outbuilding dating from the late nineteenth century located immediately to the rear of the stone house, otherwise the landscaped grounds are interspersed with a number of small ornamental and garden trees. These are concentrated along the railway embankment that rises to the south and, in the form of a line of tall, dense firs adjacent to Throop Road that screen the industrial buildings to the north.

The surrounding area is mixed in character. There is residential property to the west, including No.18 the neighbour immediately to the west, whose garden abuts the western boundary and has windows that outlook onto the site. To the northwest, screened by the firs, is the Thales factory complex whilst to the north east the track bed of former railway line defines the site.

Outline planning permission is sought for the demolition of existing buildings and the erection of 19 dwellings. The application is submitted in outline at this stage with the principle and access to be considered at this stage leaving appearance, landscaping layout and scale to be considered at the reserved matters stage, should planning permission be granted.

An illustrative plan showing two small terraces in the centre and pairs of detached and semi-detached in the north of the site accompanies the application.

The application is accompanied with a suite of supporting documents; planning statement prepared by Pure Planning; a Transport Statement Prepared by JPC Highway Consultants; an Extended Phase 1 Habitat Survey and Bat Compensation / Enhancement Measures and Site Enhancement (both prepared by Abbas Ecology). The planning statement concludes and summarises the case as follows:-

*"The application seeks outline planning permission with some matters reserved for the erection of up to 19 dwellings with associated access and parking in Knights Templar Court, Troop Road, Templecombe.*

*The LPA do not have a 5 year housing supply and therefore the presumption in favour of sustainable development has been triggered and existing policies relating to the supply of housing are out-of-date.*

*The site is located within a rural settlement, which is considered an appropriate location for additional residential development*

*The proposal would deliver economic, social and environmental benefits through the reuse of previously developed land and provision of on-site affordable housing and therefore is considered to represent sustainable development.*

*The indicative plans show that a proposed could be delivered which would integrate satisfactorily with the character and appearance of the area, whilst protecting against harm to the amenities of neighbouring properties and highway safety .*

*The applicant therefore considers there are no adverse impacts to the scheme and certainly none which would significantly and demonstrably outweigh the benefits of the proposal."*

The existing stone house is attractive and makes a positive contribution to the character of the area. It can be considered as an undesignated heritage asset. During the course of the application the applicant

was asked to consider whether it can be retained and incorporated as a feature into the proposal. The applicant's agent has declined to retain the building for the following reasons:

- *The existing property suffers from damp and repair work would be very expensive.*
- *The existing property has uneven floor levels and low head height throughout the building therefore would be likely inappropriate for occupation by disabled and elderly occupiers.*
- *The existing property has been heavily internally and lacks heritage value.*
- *The modern external alterations also detract from the site's heritage value. In our view, if the building had significant heritage value and was in good order, given its age, it would have been statutory listed by Historic England.*
- *If the building was retained, the garden areas for the converted units would be north facing, this is something we've tried to minimise with our layout. I note that the climate change mitigation officer sought to minimise north facing gardens within her consultation response.*
- *The converted units would be cramped and provide a poor standard of living for occupants and the development would unlikely to meet the Government's minimum space standards.*
- *The conversion of the building would significantly increase development costs, which may impact on the scheme's viability and the provision of much needed new-build affordable housing.*

## **HISTORY**

06/02840/OUT: Erection of 20 bed extension to care home conditional planning permission granted 20/10/2006 (Not built).

02/00826/FUL: The demolition of outhouse and erection of two storey extension conditional planning permission granted 29/04/2002.

01/02501/OUT: The erection of a two storey 20 bedroom nursing home (renewal) conditional planning permission granted 9/11/2001.

98/00728/OUT: The erection of a two storey 20 bedroom nursing home (renewal) conditional planning permission granted 16/10/1998.

94/02199/OUT: The erection of a two storey 20 bedroom nursing home (outline renewal) conditional planning permission granted 31/03/1995.

90/02519/OUT: Erection of two storey 20 bedroom nursing home conditional planning permission granted 02/05/1991.

90/02518/FUL: The erection of a single storey extension to elderly persons' rest home /nursing home conditional planning permission granted 09/05/1990.

## **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).

The policies of most relevance to the proposal are:

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

SD1 - Sustainable Development  
SS2 - Development in Rural Settlements  
SS4 – District Wide Housing Provision  
SS5 – Delivering New Housing Growth  
SS6 – Infrastructure Delivery  
SS7 - Previously Developed Land  
HG2 – The Use of Previously Developed Land (PDL) for New Housing Development  
HG3 – Provision of Affordable Housing  
HG5 – Achieving a Mix of Market Housing  
HG6 - Care houses and specialist accommodation  
TA1 – Low Carbon Travel  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
HW1 – Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ3 - Heritage  
EQ4 – Biodiversity  
EQ7 – Pollution Control

**National Planning Policy Framework**

Part 2 – Achieving sustainable development  
Part 5 – Delivering a sufficient supply of homes  
Part 6 – Building a strong, competitive economy  
Part 8 – Promoting healthy and safe communities  
Part 9 – Promoting sustainable transport  
Part 11 – Making effective use of land  
Part 12 – Achieving well-designed places  
Part 14 – Meeting the challenge of climate change, flooding and coastal change  
Part 15 – Conserving and enhancing the natural environment  
Part 16 – Conserving and enhancing the historic environment

**Other Material Considerations**

Somerset County Council Parking Strategy

**CONSULTATIONS**

**Abbas /Templecombe Parish Council** - Members discussed the applications and made the following observations:

- There seemed to be some inconsistencies with regard to mains sewer or septic tank. The application refers to main sewer but previous applications on the property refer to septic tank. It is believed that the sewage is pumped from the site to the main sewer. It is acknowledged that pumping stations are now owned and managed by Wessex Water.
- It was felt that the loss of the property as a care home is detrimental in view of an aging population and a shortage of care homes.
- Density of dwellings. Expansion is welcomed but not to this density and It is noted there are only three affordable dwellings included in the application.



- Access to site is restricted currently by parked vehicles and there is no inclusion of a footpath from the site.
- No prior public consultation.
- It is noted that Doctor's Surgery and School is now full and there is no pub. It is questioned whether the infrastructure could cope. Under the Local Plan Templecombe are committed to 108 properties, taking into account the Slades Hill development and current development in the Village of 25 properties that leaves a total of 8 outstanding
- It is felt there is natural growth in the Village, is there a market for a further increase in the capacity of properties?

The following response is submitted:-

The Members have reservations on the number of properties. The Parish Council are concerned with both the density of the dwellings within the site, the fact that only three affordable dwellings would be generated as a result of the inclusion of former dwellings on the site in the overall calculation and also the limited space for additional visiting traffic to the site in addition to any residents cars. The number of properties would have an impact on the Village infrastructure and it is felt access to and from the site is not adequate. The Parish Council are concerned that the development would need to be accessed down a narrow lane with poor visibility and a small bridge and further restricted by existing on road parking and where there is no footpath linking the proposed site to the rest of the Village in order to encourage anything other than private vehicle access. It is also considered that the sewage system may not be sufficient for an application of this extent. It is considered that the application is currently in an inappropriate form.

**County Highway Authority:** The applicant should be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This will include any private roads/drives that serve more than 2 dwellings.

The planning application is for 19 dwellings on a site with the existing use of a nursing home. According to TRICS, the average dwelling generates 6-8 vehicle movements per day, which would represent approximately 152 vehicle movements per day. This likely will represent an increase in the level of vehicle movements.

Throop Road, has a 20mph speed limit in place and from my onsite observations, it was apparent that vehicle speeds were consistent with this. It must be remembered that although narrow along this stretch, there is an existing class use that would generate its own level of vehicle movements.

The access to the site is already in place and it must be noted that although the access onto Throop Road from the proposal is not ideal due to the restricted visibility to the North East, Throop Road is a not through road serving existing dwellings and farms and it is likely that there will not a significant level of vehicle movements from this direction. Again, it must be remembered that the site has an existing use that would generate vehicle movements already.

The applicant has provided an indicative layout of the internal layout and in its current form, the internal roads are not to an adoptable standard. Should that applicant wish for the internal roads to be adopted then before any future submission the applicant should consult with 'Estate Roads in Somerset - Design & Guidance Notes' to establish these requirements. As already mentioned, the applicant should be made aware that it is likely that APC will apply.

The parking levels will be dealt with at the Reserved Matters Stage of this planning application however, these would need to be in line with the Somerset Parking Strategy (SPS). Templecombe is in Zone B of the SPS and for a 1 bedroomed dwelling 1.5 spaces would need to be provided, for a 2 bedroomed

dwelling, 2 spaces provided, for a 3 bedroomed dwelling 2.5 spaces provided and for a 4 bedroomed dwelling 3 spaces provided. The SPS also sets out the appropriate level of bicycle parking that must be provided where there should be sufficient space for one bicycle per bedroom. Electric Vehicle Charging points must also be considered as well as any garage dimensions which for a single garage are 3x6 metres and for a double garage 6x6 metres.

The applicant should note that it is an offence for water or detritus to be discharged onto the highway under the Highways Act (1980) and water must not be allowed to be discharged under any circumstance. The applicant must not also assume that connections to any existing highway drains and gullies can be made. Should the applicant wish to use soakaways, then these must be located more than 5.0m from any existing or proposed highway.

Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application, subject to an appropriate Travel Plan being secured within the S106 legal agreement.

**SSDC Highways Consultant:** On the basis that the site is located in the town centre within easy / comfortable access to nearby public car parks, no highways objections is raised.

**SSDC Strategic Housing:** Policy requires 35% affordable housing; the new Strategic Housing Market Assessment (SHMA) published in October 2016, indicates a split of 80:20 social rent: intermediate product. Taking into account the vacant building floor space already detailed in the planning application, I concur with the calculations detailed which equates to 3.35 units. We will count this as 3 units which we would expect to be provided for social rent and the remaining 0.35 of a dwelling to be provided as a commuted sum.

I would like to propose the following property mix:

|                                 |            |
|---------------------------------|------------|
| 2 x 1 bed house/flat/bungalow   | (2 person) |
| 1 x 2 bedroom house or bungalow | (4 person) |

I would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses.

These affordable dwellings will form an integral and inclusive part of the layout.

I have detailed below our prevailing minimum internal space standards which should also be adhered to:

|                         |          |         |                       |
|-------------------------|----------|---------|-----------------------|
| 1 bedroom flat          | 2 Person | 47 sqm  |                       |
| 2 bedroom flat          | 4 Person | 66 sqm  |                       |
| 2 bedroom house         | 4 Person | 76 sqm  | (86 sqm if 3 storey)  |
| 3 bedroom house         | 6 Person | 86 sqm  | (94 sqm if 3 storey)  |
| 4 bedroom house         | 8 Person | 106 sqm | (114 sqm if 3 storey) |
| 4 bedroom parlour house | 8 Person | 126 sqm | (134 sqm if 3 storey) |

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units: Liverty Housing; Magna Housing; Stonewater Housing and Yarlinton Housing Group.

**SSDC Environmental Health:** Have no comments in respect of this application.

**SCC Archaeology:** As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

## **REPRESENTATIONS**

A petition style letter of has been received from six neighbouring properties in Throop Road and a letter. The letter does not raise objection in principle to residential re-development of the site raises objections / concerns about the proposal on the following grounds:

- Throop Road is single lane, unsuitable for more traffic.
- Two parking spaces per dwelling is insufficient provision. Visitor / delivery vehicle parking not considered.
- Will add to pressure on junction Throop Road with A357 from Thales and the primary school.
- Concern about the effect upon limited services in Templecombe - school shops public house
- Could be problems connecting to a sewer.
- This site would be a great loss to our community as it is and has been the only old folks/nursing home in the immediate vicinity.
- The surrounding roads, Throop Road and School Lane and the main A357 are a hive of activity being used extensively by the local school, church and Thales factory. Hundreds of cars and lorries each day. A development of houses in the planned site would add a great strain on this area especially as we have no pavements in Throop Road which is very narrow.
- I understand that another proposed development on the entrance to our village for 70 houses has been ongoing for several years therefore further development of this nature cannot be required when no houses have been built i.e. no demand.
- I have lived in Templecombe for 18 years and to my knowledge around 100 houses have been built on brownfield or additional sites during this time. I feel we are at a maximum considering the lack of amenities. We have a railway Station which is great but only one shop/post office. The doctors' surgery is full as is the school.

## **CONSIDERATIONS**

### **Principle of Development**

#### **Planning Consideration**

Given the increasing need for care homes and other specialist accommodation in South Somerset during the plan period 2008-2028 (SHMA quoted para. 10.41 of the Local Plan) concerns about the loss of this care home use are evidenced and understandable. Nevertheless there is no policy to underpin and require their retention. Policy HG6: Care houses and specialist accommodation focuses entirely on proposals for new care homes and is silent on the issue of retention of existing homes. In such circumstances there isn't a policy framework to require the retention of the existing nursing home. Residential, redevelopment is an acceptable alternative.

The proposal is for 19 dwellings on a site of 0.93ha. This provides for a density of 20.4 dwellings per hectare. A density of 20 units per hectare is well within acceptable perimeters for a site located in a large village with reasonably good services and public transport connections, train station, bus route etc.

As previously developed land, also known as 'brownfield' Policy SS7 - Previously Developed Land is a relevant consideration. It states:

*The Council will encourage early development of previously developed land. A minimum target of 40% of new development should be on previously developed land and a 5-year land supply shall apply.*

South Somerset District Council (SSDC) Local Plan seeks to concentrate the bulk of new development in existing settlements in order to take advantage of employment and service opportunities available in these places, minimise the infrastructure investment required across the district and increase the level of self-containment.

Policy SS1, Settlement Strategy, establishes a settlement hierarchy with Yeovil, as the most populous settlement in the district at the top down to named small towns and larger villages. The final paragraph of policy SS1 states *“Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2).”*

Policy SS2: Development in Rural Settlements states:

*“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 in Paragraph 5.41.*

Para 5.41 states:-

*It is important to ensure that the occupiers of new homes in Rural Settlements are able to live as sustainably as possible by having easy access to basic facilities that provide for their day needs. Therefore, new housing development should be located in those Rural Settlements that offer a range (i.e. two, or more) of the following services, or that provide these within a cluster of settlements:-*

*Local convenience shop;  
Post office  
Pub;  
Children's play area sports pitch;  
Village hall/ community centre;  
Faith facility; and  
Primary school*

Templecombe is a large village which provides a good range of services, but is not a rural centre named in Policy SS1. It therefore satisfies the technical requirements of paragraph 5.41.

However, SSDC cannot currently demonstrate a 5 year land supply and policies SS1 and SS2 cannot be considered up to date and awarded full weight in considerations. Where this occurs paragraph 11 of the National Planning Policy Framework (NPPF) comes into consideration, the relevant part states:-

Plans and decisions should apply a presumption in favour of sustainable development.

*“For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

NPPF Para 117 *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-development or ‘brownfield’ land”*. This aim is reflected in LP Policy HG2 which seeks to provide a minimum of 40% of new dwellings on previously development land over the plan period.

The indicative layout submitted with the application adequately demonstrates that the amount of development applied for can be accommodated on the site. The layout has a number of weaknesses in terms of use of garage courts, relationship to the neighbouring house and efficiency of the road arrangements, but there is scope within the available space to resolve these issues at the reserved matters stage.

Policy HG3, Provision of affordable housing, sets a housing target of 35% affordable housing units for developments of over 6 dwellings or 0.2ha in rural settlements.

The Parish Council's disappointment that only 3 (16%) of the proposed 19 dwellings are proposed as affordable units is understood and shared. However, the 'Vacant Building Credit', cited by the applicant's agent as justification for this, is a material planning consideration, brought in by the government to promote the re-development of vacant brownfield sites. A Section 106 legal agreement to secure the provision of three affordable units and a financial contribution of 1.5% ( $16\% + 1.5\% = 17.5\%$  affordable housing which represents 35% affordable housing divided by 2 - the Vacant Buildings Credit).

At this outline application stage the mix of house types and sizes is unknown. The Council wishes to see a mix of market house types and sizes that reflect its Policy HG5 objectives. Policy HG5, Achieving a mix of market housing states *“A range of market housing types and sizes should be provided across the district on large sites that can reasonably meet the market housing needs of the residents of South Somerset. The mix should contribute to the provision of sustainable and balanced communities”*. Paragraph 10.36 of the supporting text makes clear that the requirement is that three quarters of the units in a development should be 2 and 3 bedroom sized units. A condition to ensure that the dwelling mix reflects these requirements is considered appropriate at this outline application stage.

### **Visual Amenity**

The site is currently occupied by buildings associated with the former residential care home use: the original house, dating from the late 18th early 19th Century, and modern extensions. There is also a brick outbuilding situated on the north eastern side of the site which appears to have been used for storage.



The modern extensions and outbuilding are of little architectural merit, but the original house is visually quite pleasant and could be considered an undesignated heritage asset. Stripped of its modern additions / alterations it has some merit and could become a centrepiece linking the proposed residential development to its past. This has been suggested to the applicant's agent, and considered. The response is that many of the internal fittings have been removed and the building is in a poor state of repair. The applicant does not want to retain it. As an undesignated heritage asset it can't be retained, short of nomination for listing. The building is not considered to be of sufficient merit to justify nomination for listing, it is therefore accepted that it can be demolished.

The site sits in a 'bowl' of lower land and is inconspicuous from the wider area. The Exeter to Salisbury rail line railway embankment cuts off all views to the south. There will be glimpses of the site through the embankment trees from passing trains. Troop Road continues beyond the site entrance on higher land to the north. Currently views into the site from this direction are screened by a line of thick fir trees. But even if these were subsequently to be removed, the wider landscape means that there is scope for a quality design to come forward without many constraints.

The illustrative plan that accompanies the application is considered to have several weaknesses. The layout could be improved resulting in larger gardens and less road space; parking could be better related to existing property and the relationship with the closest neighbour could be better. But it is only illustrative, intended to demonstrate that the quantum of development sought can be accommodated on the site. Further details, including layout, design and appearance, would need to be submitted, considered and approved at reserved matters stage should this outline proposal be permitted. In that respect, the illustrative plan is considered to be fit for purpose. It adequately demonstrated that the amount of development can be accommodated on the site and provides a framework for a more detailed design at reserved matters stage.

The usual suite of conditions attached to an outline permission requiring submission and approval is recommended. On this basis the impact on visual amenity is considered to be acceptable in accordance with the policies of the South Somerset Local Plan.

### **Residential Amenity**

There is just one residential property in the immediate vicinity of the site, No. 18 Throop Road. It has windows facing towards the site and the whole of its eastern rear garden boundary. Currently the windows look out onto the tranquil grounds of the former nursing home and the garden abuts the landscaped grounds. Whilst the planning system does not normally protect private views, the aspect of these windows and the quiet character of the rear garden could be compromised by a layout that resulted in building mass close to the boundary or introduced traffic and noise into the area immediately adjacent to the rear garden. However, the proposal is for a relatively low density residential development and there is scope to design a scheme that addresses these issues. Consequently it is not considered that the proposal would have any significant impact on the residential amenity of any adjoining occupiers in accordance with policy EQ2 of the South Somerset Local Plan.

### **Highways**

The highway authority is satisfied that Throop Lane is capable of coping with the increase in traffic associated with the proposed development and that there is scope within the site to accommodate parking to the appropriate standard for zone B (amber) accessibility area (1.5, 2, 2.5 and 3 spaces - depending on house size in relation to bedrooms). There is also scope to incorporate the low carbon travel provisions - bicycle storage and electric charge points). In terms of sustainability Templecombe is a large village with a train station and regular bus service. As such, it is considered that there will be no adverse impact on highway safety and the proposal is in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

## Ecology

As part of the initial submission the application was supported by an Extended Phase 1 Habitat Survey which identified that the site had suitable habitat for bats, breeding birds and reptiles and further identified the presence of bats and nesting birds within some of the existing buildings. On the basis of this preliminary report and the presence of bats (a protected species) the Council's Ecologist recommended that full bat surveys be undertaken prior to the determination of this application, in line with government Circular ODPM 06/2005 and to ensure the proposal is not contrary to the provisions of The Habitats Regulations (2010).

A Phase 2 Survey has subsequently been carried out which has identified a bat roost within the main nursing home building which is to be demolished as part of this proposal. As the proposal would result in the destruction of a bat roost (a European Protected Species), under the Habitats Regulations the LPA has a statutory duty to ensure that three derogation tests set out within this legislation are reported on as part of the decision making process:

The three derogation tests are:

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'*
2. *'there is no satisfactory alternative'*
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'*.

A further report titled 'Bat Compensation / Enhancement Measures and Site Enhancements' has also been provided in an effort to address the last of these derogation tests. This document sets out in detail various measures to be incorporated within this scheme to mitigate / compensate for the loss of the existing bat roosts. The Council's Ecologist has confirmed that he is satisfied that these measures are both appropriate and proportionate and that subject to a condition to secure these measures he raises no further objection to this proposal, provided the other outstanding derogation tests are satisfied.

From the planning history it would appear that a nursing / care home has operated from this site since at least the late 1970's up until June 2017 when the applicant states the nursing home closed as it was no longer viable. Unfortunately no further details have been provided as to the viability of the nursing home however it is acknowledged that there is a trend for smaller, older nursing homes to be closing due to viability issues as they do not have the resources to keep up with changing demands and standards. The facilities at Knights Templar Court Nursing Home have stood on this site for many years and are visibly dated and are likely to require significant investment to bring them up to current industry standards.

Furthermore, it is understood that there is a nationwide shortfall in nursing / care home provision however there is no evidence to suggest that there is a district wide under provision of such accommodation, as such there are no local plan policies that seek to protect existing care home facilities. There is however a significant and growing demonstrable district wide shortfall in housing provision and both LP policy SS7 and the NPPF are clear in their support for the redevelopment of brownfield sites, which the application site is considered to be.

It is therefore considered that the redundant nature of this site, the fact that the proposal will make efficient use of an existing brownfield site and will make a positive contribution towards meeting the District's five-year housing supply, combine to offer such social benefits that override the impact that the proposal is likely to have in regard to the bat roost. There are no other proposals under consideration for this site and its redundant nature and questionable viability for its continued use as a nursing home or its suitability for an alternative reuse means that there are no other realistic alternative options available. On this basis, it is considered that the first two derogation tests are satisfied.

To conclude, and for the reasons set out above it is considered that subject to securing the proposed mitigation / compensation measures by condition, as recommended by the Council's Ecologist, it is accepted that the proposal meets the relevant derogation tests as stipulated within the Habitats Regulations and that the identified ecology issues should not hold back the proposed development.

### **Conclusion**

The loss of the existing authorised care home use is regrettable, but in the absence of a policy framework to require its retention it is not possible to withhold planning permission on the grounds that the proposed use would result in loss of a care home. Similarly, the existing last eighteenth / early nineteenth century house, which forms the core of the disused care home complex and can be considered as an undesignated heritage asset, is not protected by any listed status and can, in the absence of a willingness on the part of the applicant to retain it be demolished.

The site is previously developed land within the settlement boundary of Templecombe. Templecombe is considered to be a sustainable settlement, a large village with a range of facilities and transport connections. Residential development is an acceptable alternative land use to the care home.

The site is approximately 0.93ha in size with few constraints. The development of nineteen units at a density of 20.4 units per hectare is not considered excessive. Whilst there are some reservations in relation to some of the details in the illustrative plan that accompanies the outline application, it does demonstrate that 19 units can satisfactorily be accommodated on the site and provides a robust framework for the drafting and consideration of reserved matters details.

The reduction in the amount of affordable housing, on account of the previously developed land status, is a national provision over which SSDC does not have discretion.

For these reasons the proposal is considered to represent a sustainable form of development that will make for the efficient and appropriate reuse of a brownfield site. The Ecology / Habitat concerns raised by the Council's Ecologist have been fully satisfied and appropriate mitigation measures proposed which are secured by condition as detailed below. In all other regards the proposed development is considered to raise no demonstrable harm in regard to visual amenity, landscape impact, residential amenity, highway safety or other identified environmental concern. The proposal is therefore considered to accord with the relevant policies of the local plan as well as the provisions of the NPPF and is recommended for approval.

### **RECOMMENDATION**

Grant approval subject to the prior completion of

- a) A section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:
  - Secure three affordable housing units;
  - A contribution towards affordable housing; and
  - A Travel Plan
- b) The imposition of the planning conditions set out below on the grant of planning permission.

For the following reason:

01. The principle of residential development on this vacant brownfield site within Templecombe village is considered to be acceptable. The illustrative plan, that accompanies this outline permission, demonstrates that 19 dwellings at a density of 20.4 units per hectare can be accommodated. The proposal utilises the existing access off Troop Road, which is considered capable of serving the proposed development. Other matters including appearance, landscaping, layout and scale are to be considered at the reserved matters stage. As such the proposal is considered to be in accordance with the aims and objectives of Policies SD1, SS4, SS5, SS6, SS7, HG2, TA1, TA5, HW1, EQ1, EQ2 and EQ4 of the South Somerset Local Plan and the aims and provisions of the NPPF

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 4109/2 unnumbered first floor plan of existing 2883/7B 410/AS10; 4307/01; 4307/02; 4307/03; 4307/04; 4307/05; 4307/07; 4307/08; 4307/09; Unnumbered tree plan and LDS/14649-TP1 received 19 March 2018.

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

02. Details of the layout, appearance, landscaping, and scale (herein after called the 'reserved matter') 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: As required by Section 92(2) of the Town & Country Planning Act 1990

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission or not later than 2 years from the approval of the last reserved matters' to be approved

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

04. No development shall commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicles routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of public transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network

Reason: In the interests of highway safety and the amenities of the area and local residents in accordance with Policies TA5 and EQ2 of the South Somerset Local plan

05. The proposed residential development shall provide a mix of house types and sizes. At least 12 of the 16 market dwellings shall be either 2 or 3 bedrooomed units unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority wishes to ensure that a range of market housing types and sizes are provided across the district as required by Policy HG5: Achieving a mix of market housing of the adopted South Somerset local Plan and paragraph 50 of the NPPF.

06. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, as required by Policy TA1ii low carbon travel of the adopted South Somerset Local Plan and paras 93 and 94 of the NPPF.

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

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, and any successors no development in Classes A, B, C and D of part 1 Schedule 2 shall take place without the prior permission in writing of the local Planning Authority.

Reason: To maintain the aesthetic integrity and residential amenity of the development and preserve the amenities of the neighbouring residential property.

08. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure satisfactory highways are put in place to serve the development.

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

Reason: To ensure satisfactory pedestrian access is provided to every dwelling in the development

10. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 4307/07). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure the provision of a safe access to the development.

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

Reason: To prevent its discharge of surface water onto the highway.



12. Prior to any demolition, the applicant shall apply for, and be granted by Natural England, a European Protected Species Mitigation Licence in respect of bats. Proof of issue of such licence shall be provided to the local planning authority prior to discharge of this condition.

The bat compensation measures shall be provided in accordance with the submitted details, 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.

Each phase of the development shall not be occupied until confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the submitted details, and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with Policy EQ4 of the South Somerset Local Plan, the NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

**Informative:**

01. Before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) will 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.