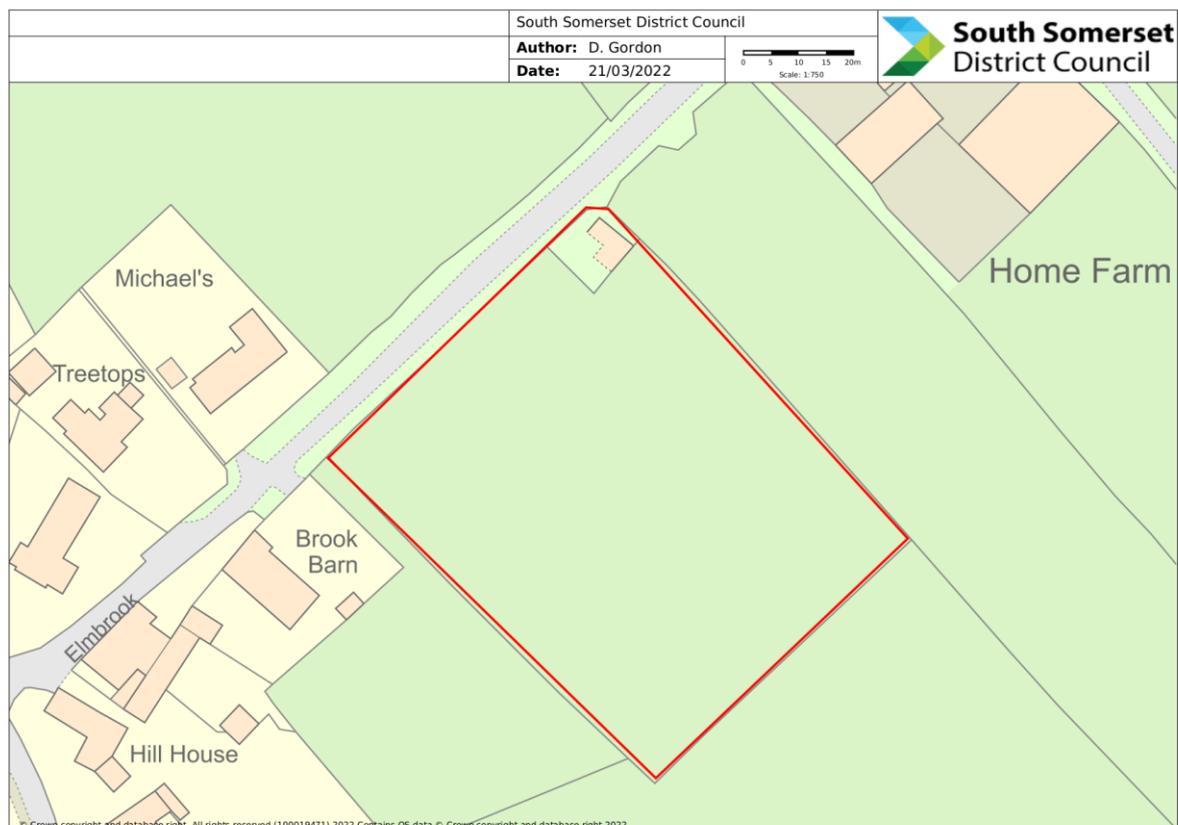


Officer Report On Planning Application: 21/03589/FUL

Proposal :	Erection of a dwellinghouse and garage and construction of access
Site Address:	Land At Lemons Ground, Whitechurch Lane, Yenston, Templecombe, Somerset,
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Russell Williams (Specialist) Tel: 01935 462345 Email: russell.williams@southsomerset.gov.uk
Target date :	14th February 2022
Applicant :	Mr & Mrs W Wallace
Agent: (no agent if blank)	Mr Diccon Carpendale Unit 3 Kingsmead Business Park Shaftesbury Road Gillingham SP8 5FB
Application Type :	Minor Dwellings 1-9 site less than 1ha

This application is to be determined at the Area East Planning Committee in accordance with the Council's scheme of delegation, as the applicant is an elected member of South Somerset District Council.

SITE DESCRIPTION AND PROPOSAL





The application site is approximately 0.28ha located on the south side of Whitechurch lane (a class C road) to the east of the A357 which runs through the village of Yenston. The lawful use of the application site is agriculture and appears to be used for grazing, with a modest stable building located to the northern corner of the plot.

The application site is located entirely within Flood zone 1.

This application seeks full planning permission for the erection of a detached 4 bedroom open market dwelling with detached garage building comprising of an open fronted triple car port and single bay secure garage. Within the roofspace of the garage building will be a WC and floorspace to be used for an office space.

The dwelling would be constructed in local natural stone with a natural slate roof and painted timber windows and doors.

The proposed garage and carport building will be finished in timber boarding to the walls, natural slate roof and painted timber fenestration

A new vehicular access is proposed along the boundary to Whitechurch Lane and the existing field gate in the corner of the site with associated access to the public footpath to the south retained. The layout would include visibility splays to the access and parking for a minimum of 4 cars and there is ample storage space for bicycles to serve the dwelling house.

It is proposed to drain surface water to soakaways within the site, which will be subject to Building Control design approval. Foul drainage will be connected to mains sewers.

PLANNING HISTORY

20/01667/FUL - Erect dwellinghouse and construct access thereto.

This application proposed an alternative design for a single dwellinghouse within the plot. The application was approved by Area East Committee and Full planning permission was granted

on 12 March 2021. This application remains extant.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and 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).

SD1 (Sustainable Development);
SS1 (Settlement Strategy);
SS4 (District Wide Housing Provision);
SS5 (Delivering New Housing Growth);
HG4 (Provision of Affordable Housing - Sites of 1-5 Dwellings);
TA5 (Transport Impact of new Development)
TA6 (Parking Standards);
EQ1 (Addressing Climate Change in South Somerset);
EQ2 (General Development)
EQ4 (Biodiversity).

National Planning Policy Framework 2021

Chapter 2 Achieving Sustainable Development
Chapter 4 Decision Making
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 9 Promoting Sustainable Transport
Chapter 12 Achieving Well-Designed Places
Chapter 15 Conserving and enhancing the natural environment

Planning Policy Guidance

Somerset County Council Parking Strategy (March 2012)
National Design Guide

REPRESENTATIONS

No representation has been received from members of the public.

CONSULTATIONS

Henstridge Parish Council :

Supports the application and recommends approval.

Highway Authority :

Standing advice applies.

SSDC Highways Consultant :

Please refer to the comments made previously to the 2020 application and to the highways related conditions imposed at that time. Those comments are copied below for information:

"Whitechurch Lane is narrow but at its light controlled junction with the A357, there appears to

be sufficient width to allow two vehicles to pass one another and it would seem that Whitechurch Lane only serves a handful of dwellings. Therefore, it is unlikely the traffic impact of the scheme would be significant. The proposed location of the access and the associated visibility splays are acceptable. The first 5m of the access must be properly consolidated and surfaced (not loose stone or gravel) and appropriately drained. The proposed on-site parking and turning provision is acceptable. A charging point will be required for electric vehicles"

Rights of Way Officer :

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site (public footpath WN 12/2) at the present time.

We have no objections to the proposal, subject to the following:

Any proposed works must not encroach onto the width of the PROW.

The following text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

County Ecology :

The applicant will be required to commission a Preliminary Ecological Appraisal, which may recommend further surveys and mitigation, as required.

Notwithstanding the above, following recent advice from Natural England this application may now require a Habitats Regulations Assessment (HRA) due to the recent CJEU Dutch Nitrogen case law. This is because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering watercourses which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings, is seen as significant, either alone or in combination with other developments.

Following receipt of Preliminary Ecological Appraisal additional comments provided:-

A Preliminary Ecological Appraisal of the application site was carried out in October 2020 by David Leach Ecology.

Habitat:

- The site is a 0.27 ha section of a large semi improved grass field.
- The site has a public footpath running along the south west boundary, a road and hedge on the north- west boundary, was open to the main grass field to the south-east and had a mixed native hedge at the north-east boundary. There were a few small trees at the north east of the site and two small open fronted animal shelters at the north corner of the site. Near the animal shelters was an area of ruderals, mainly common nettles with some thistles and docks.
- One of the animal shelters had walls of wood sheeting and two metal garage doors with a corrugated metal roof. The second shelter had wood cladding walls and corrugated bitumen sheet roofing.
- The hedge at the north-west of the site was approximately 2 - 3m high and 2m wide.
- At the north and west boundary were some ruderals at the bottom of the hedge including

nettles (*Urtica dioica*), cow parsley (*Anthriscus sylvestris*) and cleavers (*Galium aparine*).

- Species noted within the hedgerow: Elder (*Sambucus nigra*), blackthorn (*Prunus spinosa*), oak (*Quercus robur*), hawthorn (*Crataegus monogyna*), sycamore (*Acer pseudoplatanus*).
- The main species present were blackthorn and hawthorn. In addition the woody species the hedge contained bramble (*Rubus fruticosus*), honeysuckle (*Lonicera periclymenum*) ivy (*Hedera helix*) and rosa sp.
- There are no large trees along the section of hedge to be affected.
- Species noted within ground flora: cow parsley, cleavers, common nettle, spear thistle (*Cirsium vulgare*), bramble, ivy (*Hedera helix*), yarrow (*Achillea millefolium*) ground ivy (*Glechoma hederacea*), hawkbit (*Leontodon* sp.), rumex sp. red clover (*Trifolium pratense*), broad leaved plantain (*Plantago major*) and common mallow (*Malva sylvestris*).
- No rare or uncommon plants were found on site.
- There were no signs of invasive plants within or near the site.

Bats

- There are no trees on site with potential roosting features for bats.
- The hedges on site could be used by foraging and commuting bats.
- No signs of bats were found in the animal shelters which had negligible roosting potential due to a lack of roosting features and being exposed to high light levels and draughts.

Birds

- A birds nest, possible a blackbirds, was fund in the large of the two animal shelters.
- There is potential nesting habitat in the hedge at the north-west of the site.
- No evidence of barn owls was found in the animal shelters.
- The habitat on and around the site is mainly close grazed grass with provides suboptimal habitat for voles and other prey items of barn owls and it is unlikely that barn owls regularly hunt in the field.

Reptiles

- The majority of the habitat on site is closely grazed grass which provided sub optimal habitat for reptiles.
- The ruderal vegetation at the bottom of the hedge provides moderate potential for reptiles. It is unlikely that a significant population of reptiles will be present.

Great crested newts

- There are no ponds on site or nearby and it is unlikely that any great crested newts (*Triturus cristatus*) will be affected by the proposed works.
- The nearest ponds are the other side of the village and are separated from the site by a buildings and roads road which acts as a barrier for commuting newts.
- There were no records of great crested newts found within 1km of the site.
- There is a pond 150m to the south west marked on some maps. However this was inspected and found to be a widening of the stream which runs along the bottom of a field and which has no suitability for great crested newts. It may historically have been a pond but is now part of the stream with no standing water (see plate 13 & 14).

Water voles and otters

- There are no waterbodies on site or nearby that would provide suitable habitat for water voles or otters.

Badgers

- No badger setts were found and no signs of badger activity such as snuffle holes or latrines were seen.

Dormice

- The site has short lengths of hedgerow and is not linked to any ancient woodland which may hold populations of dormice. There are no dormice records within 1km of the site which has limited suitable habitat for dormice and it is unlikely any will be on site.

The hedges on site could be used by foraging and commuting bats and the site is within Consideration Zone C for Brown Long-eared bats. Therefore, the following shall be conditioned:

- 1) Prior to occupation of the dwellings, a "lighting design for bats" for the existing and

proposed bordering hedgerows and tree's on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats (the existing and proposed bordering hedgerows and tree's) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed through the provision lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

To create an access onto the site a 10m section of hedgerow will be removed. David Leach Ecology have stated that it is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season. Condition recommended.

It has been highlighted that other than the removal of a 10m section of hedgerow on the northwest of the site, all vegetation as a whole is being retained. Conditions recommended.

I am satisfied that the buildings onsite provide negligible roosting potential for bats. However, due to the opportunistic behaviour of some bat species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

As long as the above is actioned as worded, I have no further comment.

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

Policy SS1 of the adopted local plan provides a settlement strategy and hierarchy which seeks to direct new development to strategic towns, market towns and rural centres; and other rural settlement are consider as being part of the countryside. Policy SS5 of the local plan identifies a target of 2,242 dwellings in Rural Settlements between 2006-2028 and this target has already been exceeded. Policy SS2 seeks to strictly control devolvment in Rural Settlements and would only support residential development if this meets identified housing need, particularly for affordable housing.

In this regard, Yenston itself does not offer a range of local services with only a bus stop close to the junction of Whitechurch Lane and the A357 which provides an infrequent service. There is a nursery school in Whitechurch Lane but this is on the outskirts of and closer to Henstridge. Yenston is located between the villages of Henstridge and Templecombe which do have a

greater range of services, employment and these rural settlements would be considered to be more sustainable locations for development. Access to these villages by foot or cycle would be too far along unsafe, unlit roads without footpaths.

The site and its location does not, therefore, strictly accord with the requirements of Local Plan Policy SS2.

Notwithstanding, from September 2021 it is recognised that South Somerset District Council cannot demonstrate a 5 year housing land supply, with the most recent assessment indicating a delivery of 4.7 years. As a consequence policies SS1 and SS2 and the settlement strategy of the adopted local plan carry limited weight and the presumption in favour of granting planning permission for sustainable development, where the impacts of doing so are not severe, is engaged.

Furthermore, it is pertinent to acknowledge the fact that the site benefits from an extant planning permission for the construction of a single dwellinghouse. Application 20/01667/FUL was approved against the Officer recommendation in early 2021 and found to be acceptable. This decision is binding upon the local authority and is a material consideration to the determination of this application and one that carries significant weight.

Having regard to the above matters, it is considered that the application would not ordinarily accord with the aims of Local Plan Policies SS1, SS2 and SS5. It is not a sustainable location for housing, however, the lack of a deliverable 5 year housing land supply and the presence of an extant planning permission weighs heavily in favour of the proposed development that essentially comprises of an amended design approach.

As such, on this occasion, there is no objection to the principle of a new dwellinghouse being constructed on the site.

APPEARANCE AND DESIGN

The application seeks approval of an alternative design scheme to that approved under application 20/01667/FUL.

The approved scheme comprises of a detached two storey dwellinghouse with single storey attached garage. The design of that dwelling is rather busy, comprising of traditional pitched and hipped roofs with a principle elevation that does not create any real sense of legibility upon entering the property.

The revised design creates a simpler dwelling, with two storey main body to the building and two storey out-riggers to the east, all of which comprise of standard pitched roofs. The design is less busy and in keeping with the rural setting of the application site.

The detached garage building with office accommodation above is of a simple, agricultural design and its appearance is considered to be appropriate when regard is had to the rural setting of the property. The building will be finished in timber cladding and natural slate roof, which will enable the building to sit quietly within the site and assimilate appropriately with landscape character. The removal of the poor quality building to the northern corner of the site is of no material harm.

The proposed hedgerow planting to the southwest boundary would help to soften the appearance of the plot in this rural location.

The design and materials proposed would be acceptable having regard to the local area and will provide a softening of the buildings' appearance. Materials can be controlled by condition.

Overall the proposed design is considered to provide a betterment upon the previously approved scheme. The development will relate appropriately to visual amenity and landscape character and the development therefore complies with Local Plan Policy EQ2

AMENITY

The proposed dwelling would be within a substantial plot and would not have any close neighbours. As such the proposal would not affect the privacy, light and living conditions of the occupiers of nearby properties and there will be sufficient space within the plot to serve the proposed dwelling.

HIGHWAYS

A new vehicular access is proposed to serve the new dwelling. The principle of the access and its design was found to be acceptable previously and there has been no material change in circumstance since that decision.

The development has acceptable visibility splays in both directions and there is adequate space within the plot for parking and turning of vehicles. The proposal would be acceptable in highways terms subject to conditions regarding the access and parking and provision of a charging point.

Public Footpath WN12/2 crosses the western corner of the site. A site layout plan shows the route of the footpath to be clear of the proposed built development and the boundary treatment not obstructing the route such that it would be available for public use. Subject to a condition and informative to be attached to any decision the proposal is not considered to compromise the route or use of the footpath and the query regarding the former diversion order can be resolved separately and an application for diversion submitted if required.

ECOLOGY AND BIODIVERSITY

The application site is not within the Somerset Levels catchment area and therefore assessment and mitigation with regard to phosphate output is not required.

An ecological appraisal has been provided as requested by the county ecologist which includes recommendations to protect existing habitats and provide additional enhancements. Conditions to be imposed if the applications were to be approved have been recommended by the County Ecologist.

CONCLUSION

The application site is within a rural settlement with limited services and as such development is strictly controlled in this location. Notwithstanding conflict between the proposed development and Local Plan Policies SS1 and SS2, the site benefits from an extant planning permission and this, together with the Council's 5 year lead supply position indicates that the principle of the development should be supported on this occasion.

The amended design is considered to offer an enhancement to visual amenity and landscape character when compared with the extant planning permission.

Matters relating to biodiversity, landscaping, access and future use of the garage building can be reasonably controlled by planning condition.

On balance, the application is considered to be acceptable and it is therefore recommended that planning permission be granted.

RECOMMENDATION

Grant permission

01. The application site is within the village of Yenston which forms a cluster of settlements with nearby Henstridge and Templecombe where local services are available and reasonably accessible. The application site benefits from an extant planning permission to erect a single dwellinghouse and as such the principle of development is accepted on this occasion. The proposed dwelling would be located between existing buildings and is of an appropriate design. Given that there would be no significant harm to visual or residential amenity, highway safety, flood risk or biodiversity the proposal is considered to be acceptable and in accordance with South Somerset local plan and policies SS1, EQ2, EQ4 and TR5.

SUBJECT TO THE FOLLOWING:

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

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

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

Drawing No. 20070-10 - Site Survey

Drawing No. 20070-8B - Proposed Plans, Elevations and Section

Drawing No. 20070-9C - Proposed Site Plan including surface water drainage arrangements

Drawing No. 20070-4C - Site Location Plan

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

03. Prior to the commencement of any development hereby approved, above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

04. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:- means of enclosure; hard surfacing materials; external lighting; existing planting to be retained and means of protection; and proposed new planting. All hard and soft landscape works shall be carried out in accordance with the approved detail prior to first occupation of the development and any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality, in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

05. The approved surface water drainage works as shown on Drawing Number 20070-9C shall be fully completed prior to the first occupation of the development hereby permitted.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk, in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

06. Prior to the first occupation of the development hereby permitted, the access, visibility splay, car parking areas and turning space shall be laid out and constructed as shown on Drawing Nos. 20070-09C. The first 5m of the access shall be a consolidated surface (not loose stone or gravel) and the layout shall include a charging point for electric vehicle. Thereafter, these areas and the charging point shall be maintained, kept free from obstruction and available for the purposes specified.

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

07. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the new dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation
- b) A Schwegler House Martin Terrace No. 11 or will be installed under the eaves of the north-west elevation
- c) Two bee bricks built into the wall about 1 metre above ground level on the south-west and south-east elevation of the new dwelling.
- d) To compensate and enhance for the loss of the 10m hedgerow on the north-west side of the site, approximately 100m of hedgerow will be planted around the site. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.
- e) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
- f) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

08. Prior to occupation of the dwellings, a "lighting design for bats" for the existing and proposed bordering hedgerows and tree's on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats (the existing and proposed bordering hedgerows and tree's) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed through the provision lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

c) Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

09. No removal of hedgerows, trees, scrub, bramble and any other vegetation that provides potential for nesting birds shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

10. Prior to the commencement of development hereby permitted, all existing trees and hedgerows bordering the site that are to be retained will be protected throughout the duration of works by Heras fencing. No materials shall be stored or plant operated within 1 metre of the Heras fencing.

Reason: In accordance with BS 5837:2012, NPPF 2018 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018

11. The proposed garage, carport and office building hereby permitted shall be maintained and retained for such purposes of parking of vehicles and as an office incidental to the enjoyment of the principal dwellinghouse and shall remain ancillary thereto. The building shall not be used for, or in connection with, any commercial, trade or business purposes (including use as a holiday let) and shall not be converted into any habitable accommodation or be occupied as a separate dwelling unit, and no separate curtilage shall be created.

Reason: In the interest of amenity in accordance with Policies SS1 and EQ2 of the South Somerset Local Plan 2006-2028.

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 2 - 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. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a

specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details

<https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

02. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.