

## Officer Report on Planning Application: 14/02896/OUT

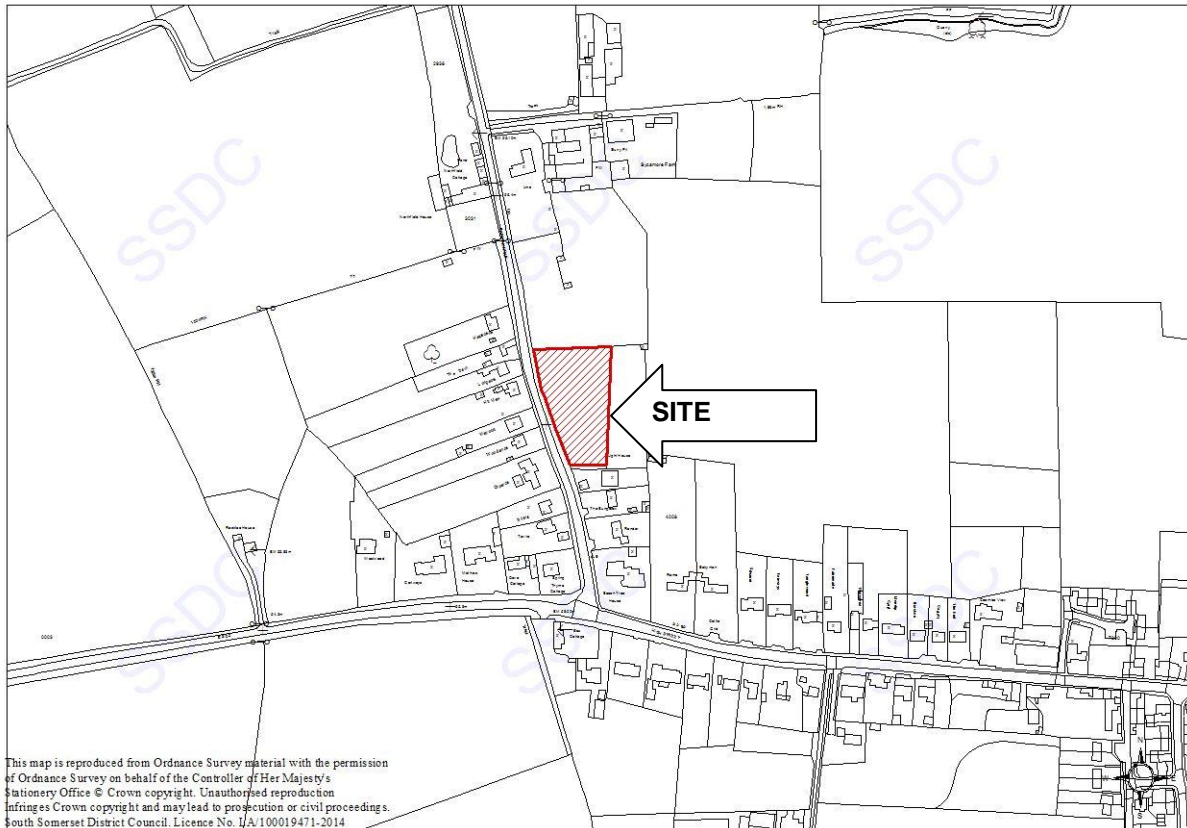
<b>Proposal :</b>	Residential development of land for up to six dwellings (GR 354414/131119)
<b>Site Address:</b>	Land North Of The Light House Barton Road Keinton Mandeville
<b>Parish:</b>	Keinton Mandeville
<b>NORTHSTONE (SSDC Member) Ward</b>	Cllr John Calvert
<b>Recommending Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	25th August 2014
<b>Applicant :</b>	Mr & Mrs Keith Budd
<b>Agent:</b>	Joanna Fryer Home Orchard, Littleton, Somerton, TA11 6NR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO AREA EAST COMMITTEE:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered, and in light of objections raised locally.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission to erect up to six dwellings and to agree details of access with all other matters reserved for later consideration. This application is identical to that submitted last year under application 13/04143/OUT which was refused.

This application site is a greenfield site approximately 0.3 hectares in an area that is outside but abuts the development area for Keinton Mandeville. The site forms part of a wider agricultural field with existing residential development immediately to the west and south with agricultural land to the north and east. The site is predominantly enclosed by hedgerows including along the road frontage along the west side of the site and is a relatively flat field. A livestock farm is situated approximately 130m to the north of the site.

There are a number of facilities within the settlement of Keinton Mandeville including:

<b>Facility:</b>	<b>Walking Distance (approximate):</b>
Village shop	580m
Primary school	1300m
Bus stop	430m
Public house	430m
Village hall and recreation ground	1040m

Whilst the matters of scale and layout are reserved matters the details submitted with the application indicate up to six dwellings, two-storey in scale, of which four are suggested to be semi-detached and two detached.

## RELEVANT HISTORY:

13/4143/OUT: Residential development of land for up to six dwellings. Refused by Area East Committee for the following reason:

- *“The proposed development by reason of the extension of the built form in this location would erode the local character and have a poor relationship with the village core by reason of its detachment from the main part of the village and its rural location. As such the proposal is contrary to saved policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, the provisions of the Keinton Mandeville Parish Plan and the policies contained within the National Planning Policy Framework.”*

This decision was tested at appeal and the appeal was dismissed for the following reason:

- *“I therefore find that a financial contribution is required for the provision of recreation facilities. Consequently, the absence of an agreement making such provision would be contrary to the requirements of the LP Policies CR2, CR3, ST5 and ST10. As this is a matter than can only be addressed by the submission of an executed obligation from the appellant, it follows that I cannot grant planning permission for the proposed development.”*

740282: (Outline) Erection of a dwelling and garage. Refused.

741049: (Outline) Erection of a dwelling and garage. Refused.

## POLICY

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

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST2 – Villages

ST3 – Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EC3 - Landscape Character

EC7 - Networks of Natural Habitats

EC8 - Protected Species

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites

EP1 - Pollution and Noise

EU4 - Water Services

TP1 - New Development and Pedestrian Movement

TP4 - Road Design

TP7 - Car Parking

CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development

CR3 - Off-Site Provision

CR4 - Provision of Amenity Open Space

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport  
Part 6 - Delivering a wide choice of high quality homes  
Part 7 - Requiring good design  
Part 8 - Promoting Healthy Communities  
Part 10 - Meeting the challenge of climate change, flooding and coastal change  
Part 11 - Conserving and enhancing the natural environment

Other considerations:  
Keinton Mandeville Community Plan

## **CONSULTATIONS**

**Keinton Mandeville Parish Council:** Recommend refusal for the following reasons:

- Out of character with the current street scene and will not fit with the local built environment. This is the case in terms of the height of the proposed buildings (other houses are all bungalows) and their proximity to the road (the other houses are all set further back).
- The site is not the most sustainable; it is at the edge of the village and far from the local amenities. There is no pavement to allow for safe access to facilities for pedestrians and the road is unsuitable for a pavement because of drainage issues.
- The original development line should be observed in spite of the absence of a local plan. This development would fall beyond the original development line agreed for Keinton Mandeville. Development on this site will have the effect of merging the two distinct parishes (Barton St David and Keinton Mandeville) and is some distance from the core of the village.

**County Highways:** No comments received; however, their comments for the previous identical application were as follows:

No objection to the principle of the development. They referred to their standing advice and the need for satisfactory levels of visibility for vehicles exiting the site from each of the new access points, including visibility splays measuring 43m in either direction when measured 2.4m back from the carriageway edge. They also recommended a condition to secure appropriate levels of parking and turning to serve each dwelling.

**County Archaeology:** (Previous comments) On visiting the site it was noticed that there are earthworks within the development area which may represent early activity on the site. It is therefore recommended that the developer be required to archaeologically investigate the site and provide a report on any discoveries made as indicated in paragraph 141 of the NPPF. This should be secured by the use of model condition 55.

**Environmental Protection:** (Previous comments) No objection. If approved, the application will result in the encroachment of residential dwellings towards an existing farmyard which has the potential for the new dwellings to suffer loss of amenity due to odour, noise and insects from the farm and to impact on any future intensification plans of the farm. There are existing residential dwellings at a similar distance from the farmyard however as the proposed ones and no history of nuisance complaints.

**Landscape Officer:** Reiterated his previous views:

Objects and is of the opinion the proposal will erode the local character and has a poor relationship to the village core.

Keinton Mandeville is primarily a linear settlement, with the core of the village aligned on the B3153 and Queen Street, whilst the main village area is concentrated to the south of the B3153 and west of Queen Street. The current residential plots that are sited along Barton Road are somewhat detached from this village core, and have little sense of connection to the main village. Whilst the application plot itself has housing to west and south, these are singular plots that are bounded by paddocks and farmland, to thus place the application site within a wider countryside context. Due to its detachment from the main village, and its rural location, and mindful that there are other housing options for the village in prospect that are better related to the village core, this is not a site that has landscape support.

I also note that the present roadside hedge will be disrupted by access arrangements, and that SCC highways requirements for safe visibility are likely to require the reduction of the hedge to 90 cm tall – a diminished feature that would then be at risk of removal if residential development were to be approved here. The potential for roadside footways is also viewed as being unacceptable. The application field currently marks a transition from the village edge, to the wider agricultural landscape, a characteristic that would be lost to development. Given this erosion of local character, and the poor relationship to the village core, then there is basis for landscape objection.

Should you believe there to be an over-riding case for development, then I would suggest that (i) this is agreed without highways 'improvements' and (ii) the land to the rear of the housing is dedicated to orchard planting or similar.

**Ecology:** (Previous comments) No objection but recommends a condition requiring a detailed ecological appraisal of the site at reserved matters stage.

**Planning Policy:** The application must be considered in the light of the saved policies in the adopted local plan, the NPPF and emerging local plan.

The policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the NPPF. The proposal is contrary to Policy ST3 in the extant local plan which although having sustainability aspects which are in line with the general thrust of the NPPF is considered to be overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF which aim to facilitate appropriate housing in rural areas to meet local needs. Therefore the presumption in favour of sustainable development as set out in the NPPF paragraph 14 is an important material consideration. As previously discussed it should be considered whether 6 dwellings is consistent with Policy SS2 for example whether it meets the identified housing need, particularly affordable housing and is commensurate with the scale and character of the settlement.

Overall although the Council now does have a five-year housing land supply, it is more important that the impacts and benefits of the scheme are considered appropriately in light of the existing local plan, the NPPF and the emerging local plan. Particular reference should be made to the presumption in favour of sustainable development in the NPPF paragraph 14. As previously, I do not raise a policy objection against the principle of development, subject to there being no adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision.

**Strategic Housing:** (Previous comments) As the site is outside the development limit we would expect 100% of the dwellings to be affordable under current policy.

**Leisure Policy:** The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision

and maintenance of these facilities is requested of £5,036 per dwelling (equating to an overall total of £30,217) broken down as:

- £19,333 for local facilities;
- £7,199 for strategic facilities;
- £3,385 as a commuted sum towards local services;
- £299 as the Community Health and Leisure Service administration fee.

**Wessex Water:** (Previous comments) Raised no objections.

## REPRESENTATIONS

Written representations have been received from 7 local residents raising the following comments and concerns:

- This application has not been amended since it was previously refused and subsequently dismissed by the Planning Inspector.
- The application relies heavily on the lack of a 5-year supply of building land however a report to the Council in June concluded that this was no longer the case.
- There are already other planning applications in progress in Keinton Mandeville do we need more housing especially as one development appears to be favoured by the local community, is nearer to all the village amenities and appears to benefit a wider range of residents.
- The site is outside the development area and unsustainable in its location.
- The development brings Keinton and Barton St David closer together.
- Keinton is supposed to be a rural village, all these developments are turning it into a very busy place with limited facilities.
- Any housing should be 100% affordable.
- Village services are at full stretch with overloading of the sewer system in the last 12 months.
- There are a number of other planning applications in Keinton, this application should be examined in relation to these.
- There is no pavement on this road to connect the development to local facilities.
- Distance to local facilities.
- Public transport provision in Keinton is poor.
- There is a side access to the remaining plot of land behind the development and we have no guarantee that this will not be used to develop the rest of the plot at a later date.
- If approved it could lead to many more applications applying to develop small plots.
- Nearby villages of Barton St David, Baltonsborough and Somerton already have new developments offering a variety of ownership methods and different styles of home so in this area people's housing requirements are already being catered for. Additionally there is always a large number and variety of homes for sale in the village at any one time.
- Loss of privacy and over bearing.
- Loss of view.
- The landscape officer previously objected to this proposal.
- Out of character with remainder of the road.
- The new properties will not be in line with those already existing on that side of the road.
- There are a number of bungalows in the road already but none of the proposed houses are to be bungalows.

- There are no semi-detached properties in the vicinity.
- The proposal would lead to undesirable ribbon development.
- Many apple trees in the field have been cut down in the last few years.
- Has the ecological and wildlife impact been properly assessed.
- The proposal leaves a small area behind the proposed development which is too small for any usual purpose and the land will be left totally idle and continue to be neglected.
- Highway safety. This is a busy road, with more houses there is likely to be more vehicles parking on the road creating hazardous road conditions. Lead to an increase in traffic on this narrow road to the detriment of other road users.
- The areas for pedestrians to walk do not seem ideal.
- The proposal will add to the excess traffic that the High Street already suffers.

## APPLICANT'S CASE

*“This proposal constitutes sustainable development that complies with the latest Government policy. A number of dwellings can be readily assimilated into the street scene without detriment to neighbouring properties or the wider landscape. It’s occupants need not have access to a private motor vehicle for many of their daily needs. It would contribute to the existing shortfall of housing land, whilst buoying the ability of Keinton Mandeville to sustain a healthy and vibrant community.”*

(para 7.1 of the Supporting Statement)

## CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Visual amenity and landscape impact;
- Residential amenity;
- Highway safety;
- Ecology; and
- Planning obligations.

### Principle:

The application site is greenfield land located outside the defined development area of Keinton Mandeville, and therefore in a position where development is normally strictly controlled by Policy ST3 of the South Somerset Local Plan. It should be noted, however, that the policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however, Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

This application was preceded by an earlier identical scheme that was refused earlier this year and subsequently dismissed at appeal. However, the Inspector noted that Keinton Mandeville is a large village, with a number of services and facilities, including a shop, primary school, public house, community hall and recreation ground, and concluded that the site is in a sustainable location. Indeed, the Inspector raised no other substantive concerns in

relation to the proposal. Therefore, notwithstanding the concerns raised by the parish council and a number of local residents the location is considered to be a sustainable location for residential development in accordance with the provisions of the NPPF and the thrust of saved local plan policies.

### **Impact on local landscape and visual amenity:**

As with the previous application it has been indicated that the dwellings would be two-storey in height and be a mix of detached and semi-detached houses with the indicative layout plan suggesting a linear arrangement with the proposed houses facing on to but set back from the highway. However, layout, appearance and design are reserved matters.

Area East Committee objected to the previous application by reason that this “extension of built form would erode the local character and have a poor relationship with the village core by reason of its detachment from the main part of the village and its rural location”. However, the Planning Inspector noted that the proposed housing would “maintain the essentially linear development form of the village that extends along the road network from its central core, that the provision of semi-detached properties would not necessarily harm the varied character and appearance that already exists in the area”. He further notes that “immediately opposite the site is a continuous frontage of houses that extends further north than those proposed” and as such would form a continuation of the existing pattern of development.

Therefore taking into account the Inspector’s comments raising no substantive visual amenity concerns and bearing in mind that matters relating to layout and design are reserved for later consideration it is not considered that there are any robust concerns on which to base a landscape or visual amenity refusal.

### **Residential amenity:**

The application site sits immediately to the north and opposite a number of residential properties. The proposed scheme of six two-storey houses however is relatively low density and there is no reason why an acceptable layout and design could not be achieved that avoids causing any demonstrable harm to these neighbouring properties.

It is noted that a local resident has objected to the loss of a view in that their view of a green field will be replaced by built development. Whilst their objection to such a change to their outlook is understandable it does not constitute a sufficiently substantive reason to refuse the application.

There is a livestock farm located approximately 130m from the site which could potentially cause some nuisance to future occupiers of the development as a result of odour, insects and noise. However, bearing in mind the existing residential dwellings that are a similar distance from the farmyard to those proposed and that there is no history of nuisance complaints in relation to this issue the council’s Environmental Health officer did not consider this to be a reason to object to the application.

It is noted that the Inspector raised no specific residential amenity concerns, therefore given the above comments the proposal is not considered to cause any substantive amenity concerns.

### **Highway safety:**

The highway authority raised no objection to the principle of the proposed development or the number and position of the proposed new accesses and are satisfied that a satisfactory level of visibility (43m in each direction when measured 2.4m back from the carriageway edge), on-site parking and turning can be achieved for each new dwelling. Therefore,



notwithstanding traffic related concerns raised by a number of local residents, including the speed of traffic along this 30mph road and increased traffic as a result of the development, provided the visibility splays, parking and turning are secured by condition the development is not considered to be prejudicial to highway safety. This view was shared by the Planning Inspector.

**Ecology:**

The site is not subject to any special ecology designations and the council's ecologist has not identified any specific concerns in relation to the site although has requested a condition requiring a detailed ecological appraisal of the site. As such any approval should be subject to a condition requiring an ecological appraisal to be submitted prior to reserved matters stage.

A local resident has expressed concern that any loss of the hedgerows surrounding the site could be harmful to the habitat of local wildlife. This is noted and it is anticipated that as much of the boundary hedgerows as possible will be retained, this matter however is best addressed through a landscaping scheme at reserved matters stage.

**Archaeology:**

The site is not subject to any special archaeological designations, however, the county archaeologist has noted that there are some earthworks within the site and therefore requested a condition requiring the site be archaeologically investigated prior to any works commencing.

**Other matters:**

The issue of drainage and flooding has been raised by a local resident who has noted that surface water in Barton Road usually flows to this side of the road and raised concerns at the possible effect of flooding. The application site is located in flood zone 1, the lowest flood risk zone, and Wessex Water, the drainage authority, has not raised any local or site specific concerns with respect to either drainage or flooding. On this basis there is no evidence to support the view that the development would either be unduly susceptible to flooding or lead to an increase in drainage or flood related issues in the locality.

The Strategic Housing team has noted that the site is located outside the development area and should therefore be treated as an exception site with the expectation that any new housing here should be affordable. Concerns have also been raised by a number of local residents that the new housing will not benefit the local community. Whilst these concerns are noted, due regard should be given to the current transitional policy circumstances whereby the extant local plan is increasingly out-of-date and the controls of Policy ST3 being considered to be overly restrictive and not fully in accordance with the NPPF. In these circumstances, it is not considered reasonable to seek 100% affordable housing on all residential proposals simply because they are outside settlement limits. In this instance, this is not considered to be a reason to refuse this application.

**Planning Obligations:**

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £5,036 per dwelling (equating to an overall total of £30,217) which can be broken down as:

- £19,333 for local facilities;
- £7,199 for strategic facilities;
- £3,385 as a commuted sum towards local services;

- £299 as the Community Health and Leisure Service administration fee.

The previous appeal was dismissed solely due to the appellant failing to supply a completed unilateral agreement with the appeal submission to secure these contributions. In this instance, the applicant has raised no objection to making these contributions, as such provided they are secured through the prior completion of a Section 106 agreement the application is considered to comply with the saved policies of the SSLP.

### **Conclusion:**

In view of the Planning Inspector's comments in respect of the previous application and the comments set out above the proposal is considered to represent a sustainable form of development and to cause no significant adverse impact on the character of the area, residential amenity or highway safety and accordingly is recommended for approval.

### **RECOMMENDATION**

Permission be granted subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-
  - (a) financial contributions towards offsite recreational infrastructure of £30,217 broken down as:
    - £19,333 for local facilities;
    - £7,199 for strategic facilities;
    - £3,385 as a commuted sum towards local services;
    - £299 as the Community Health and Leisure Service administration fee.
  - (b) a monitoring fee to the satisfaction of the Development Manager.

### **For the following reason:**

Keinton Mandeville by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of six dwellings on this site, immediately adjacent to settlement limits would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with Policies ST2, ST5, ST6, ST10, EC3, EC7, EC8, EH12, EP1 and CR3 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Details of the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or

not later than two years from the approval of the last “reserved matters” to be approved.

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

03. The site hereby approved for development shall be as shown on the submitted combined site plan and site layout (drawing number 1389/01) received 21/10/2013.

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

04. The development hereby permitted shall comprise no more than 6 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. No development hereby approved shall take place unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policy EH12 of the South Somerset Local Plan.

06. Prior to the submission of any reserved matters application a detailed ecological appraisal of the site shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate this shall be submitted to and approved in writing by the Local Planning Authority. Any agreed mitigation measures shall be implemented in full accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

07. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge on the centre line of the new accesses and extending to a point 43m either side of the accesses to the nearside carriageway edge. Such visibility shall be fully provided and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

08. The Development hereby permitted shall not be commenced unless a scheme providing an appropriate level of parking in line with the SCC parking strategy March 2012 (including properly consolidated and surfaced turning spaces for vehicles) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times 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 the provision of adequate parking to serve the development in accordance with the Somerset Parking Strategy 2012 and Policy ST5 of the South Somerset Local Plan.

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, including measures to prevent the discharge of surface water to the highway, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details 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 environmental health and neighbour amenity to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

**Informatives:**

01. The applicant is reminded that the layout detailed on the submitted proposed site layout plan (drawing number 1389/01) only secures the position of the new vehicular accesses and that all other layout details are indicative only.
02. The developer's attention is drawn to the comments made by the council's Landscape Officer with regard to the road frontage and orchard planting of the paddock to the rear of the site.
03. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Yeovil Area Office, tel 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.