

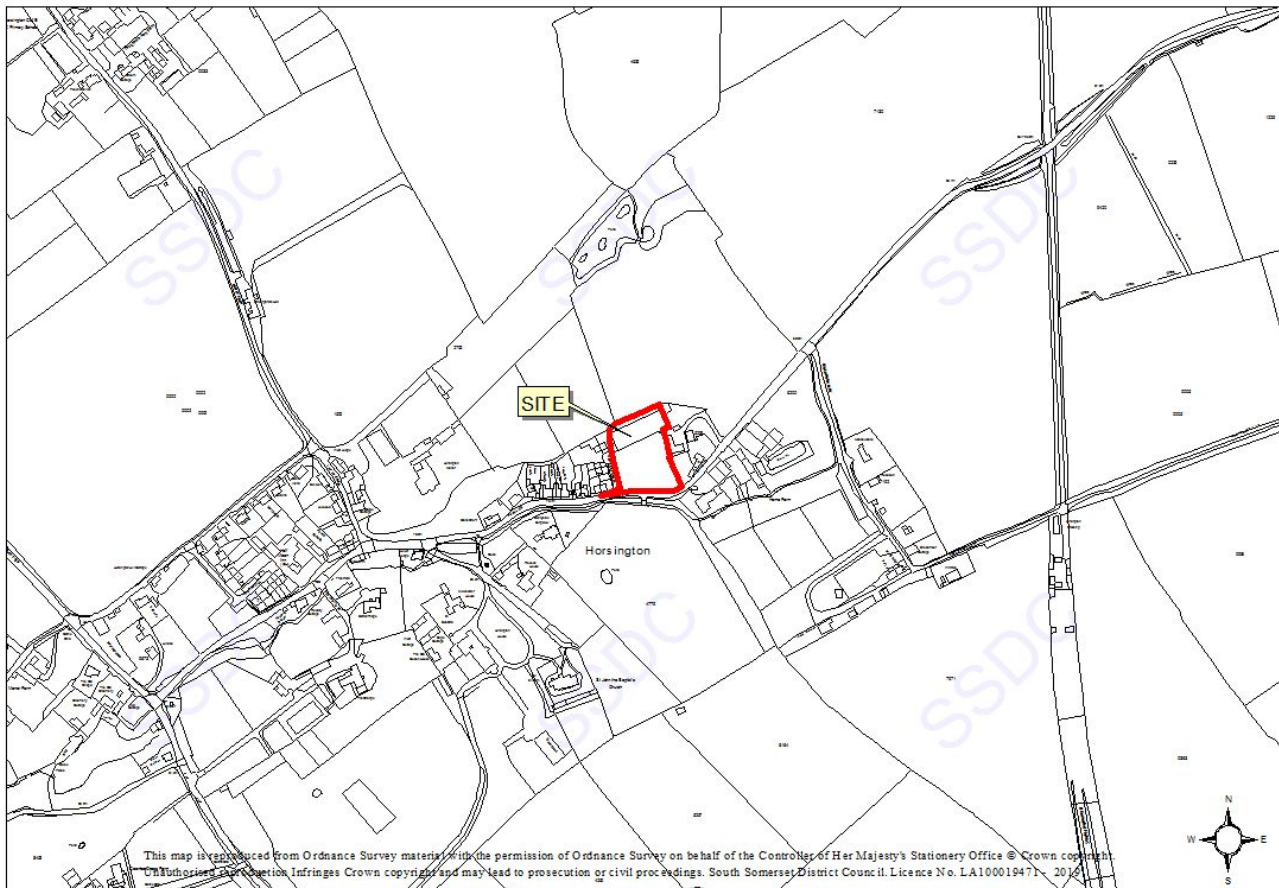
## Officer Report On Planning Application: 19/01069/OUT

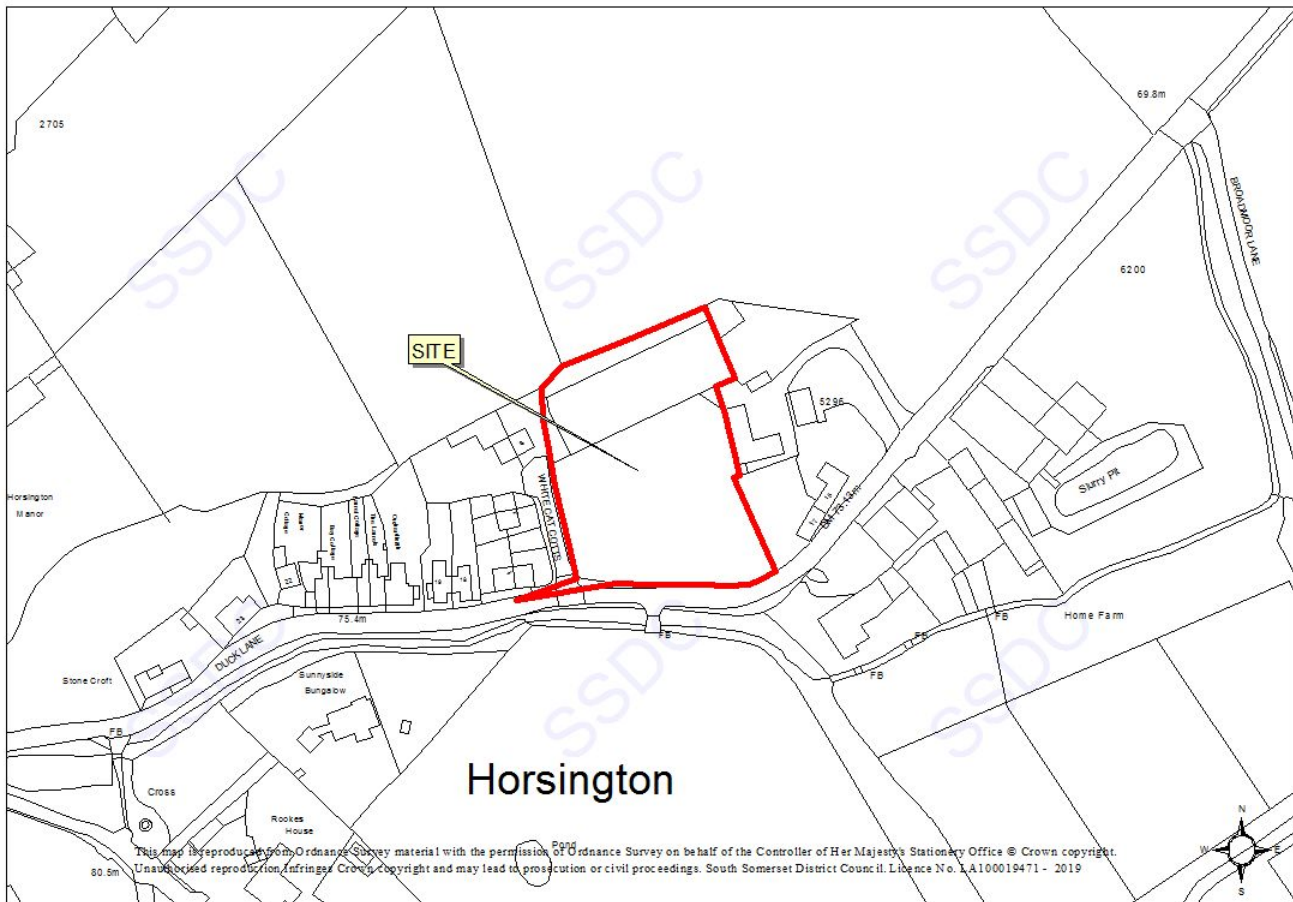
<b>Proposal :</b>	Outline application for the demolition of outbuilding, formation of new vehicular and pedestrian access and erection of 3 discount market homes for local residents, 1 retirement bungalow and 4 dwellings with associated access, parking and garaging.
<b>Site Address:</b>	Land Adjoining 17 Batchpool Lane Horsington
<b>Parish:</b>	Horsington
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr William Wallace Cllr Hayward Burt
<b>Recommending Case Officer:</b>	Colin Arnold Tel: 01935 462322 Email: colin.arnold@southsomerset.gov.uk
<b>Target date :</b>	6th June 2019
<b>Applicant :</b>	Mr & Mrs C James
<b>Agent: (no agent if blank)</b>	Mr Diccon Carpendale Brimble Lea & Partners Wessex House High Street Gillingham SP8 4AG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee at the request of both ward members and the subsequent agreement of the chair

### SITE DESCRIPTION AND PROPOSAL





This is an outline application for the demolition of outbuilding, formation of new vehicular and pedestrian access and erection of 3 discount market homes for local residents, 1 retirement bungalow and 4 dwellings with associated access, parking and garaging on land adjoining 17 Batchpool Lane, Horsington, Templecombe, Somerset

The site is a former pony paddock and a now underused piece of flat grassed land which has the appearance of a market garden with its associated small structures such as sheds etc.

It is adjacent to Horsington Conservation Area and within flood zone 1 which is land at the least risk of flooding in the district. It is also in proximity to Horsington Manor which is a Grade II Listed building so that buildings setting must not be harmed and if possible preserved and enhanced via any full or reserved matters application should this application establishing the principle be approved.

The proposed scheme shows a cul de sac arrangement gaining access from Duck Lane as does its recently added neighbouring development (White Cat Cottages).

The proposed site appears a natural site for further development in the village being a form of infill plot between the new estate (White Cat Cottages) and No's 17 and 15 Horsington.

It is proposed to set the houses further back into the north of the site (in comparison with White Cat Cottages which has frontage development) with a landscaped/treed area screening the development from the road (and also acting as a sound barrier 'of sorts' from the vehicular traffic using Duck Lane)

## HISTORY

No relevant planning history

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4

### **National Planning Policy Framework**

Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

### **National Planning Practice Guidance**

Design, Natural Environment, Rural Housing, Planning Obligations

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

**Parish Council:** 'Councillors noted the neighbours concerns about parking at the adjacent White Cat Cottages but noted that provision for parking for the new properties has been made on the proposed site. Councillors had no objections to the proposed development.'

**SCC Highway Authority:** No objection subject to conditions

**SDDC Highway Consultant:** see SCC comments

**SDDC Ecologist:** The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall. I would recommend that the following is conditioned.

The following will be installed into or on to new dwellings accordingly unless otherwise agreed in writing by the local planning authority:

Clusters of four Schwegler 1a swift bricks or similar not less than 60cm apart will be built into the wall in northern gable ends and away from windows at least 5m above ground level in two dwellings  
One Schwegler 1SP Sparrow terraces or similar under the eaves and away from windows of north elevations of two dwellings

One bee brick built into the wall about 1 metre above ground level on the south elevation of five dwellings.

Drawings showing the installed features will be submitted to and approved by the local planning authority prior to the commencement of construction works

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.

SCC Archaeologist: 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

7 letters of objection Including 1 representation from the Somerset Wildlife Trust

- Overlooking/loss of privacy- Five of the houses are overlooking White Cat Cottages and all unbearably close, on the plan, White Cat Cottages lane looks like a normal size road, it is in fact a narrow lane with no real pavements, the wall less than a metre high, this will be back gardens and loss of character, loss of privacy, overlooking as the houses face straight on to us. The wall is the end of the conservation area.
- Density of houses in the development less than in White Cat Cottages what is not noted is that two thirds of the development only have three properties on them, the remaining third will five, all placed along the side of White Cat Cottages and object to the density and layout of the site and the design.
- The parking issue was raised in the Parish Council Meeting, we would like to put the record straight about the parking as this was said that there was no parking facilities in White Cat cottages, we have spaces and are all tolerant of each other at busy holiday times which can be problematic, We are having overspill parking from the main road, the houses have been extended many times and have no parking on the main road.
- There is no need for discounted houses
- Road access dangerous.
- Problems Safety with emergency services, increased traffic, delivery lorries from online shopping, work trips.
- Development in Templecombe, Wincanton & Castle Carey no need for development.
- Noise
- Feasibility/viability study requested by 2 Parish Councillors
- 5 of the 8 houses fail to meet the SS2 criteria for a Rural Settlement.
- This is a substantial development for a small village of this size.
- Irrespective of the parking spaces shown on the plan the large number of houses will inevitably result in overspill parking on the roadside which is already overcrowded from Whitecat Cottages. Horsington already suffers from too many parked cars on a relatively narrow village street exacerbating the problems for tractors, lorries and potential emergency vehicles if ever required.
- There is already substantial development approved and/or ongoing in both Wincanton and Templecombe. The Templecombe development is only 4 fields away. So why do we need a relatively big development in the Rural Settlement of Horsington (with all its listed buildings and Conservation area) when so much building is going on so close.
- Horsington does not have the facilities for this Development. There is no shop, no post office, and no doctors surgery. The school is full to capacity and is in high demand from a wide area.
- Horsington itself (without including South Cheriton) already has 12 social houses for rent or part buy and there was not one single applicant from the whole Parish for a 2 bedroom social house which recently came available to rent.
- The 3 houses listed as "Discount Market Homes" are not for rent nor are they for part buy/part rent but for outright purchase. Horsington houses already experience a 20% market price premium over houses in Templecombe and Wincanton because of its Rural Settlement status. Therefore the claimed 20% discount will only bring them in line with similar houses elsewhere, which undermines the rationale behind the application unless the discount is far higher.
- Given the significant cash deposits required by lenders just how "Affordable" will these houses

be?

- We thought it was conservation land
- 70 houses being built nearby
- Impact of proposed on character of the village - The proposal states that it '...echoes characteristics of built developments within the vicinity'; There is no development similar within the village. Horsington is a linear village with the majority of properties facing directly onto the road and a row of 12 properties in terrace style along Duck Street. The exception is White Cat Cottages, which is a small cul-de-sac set back from Duck Lane consisting of 4 houses arranged as semi-detached. The proposed is for 4 detached houses with garages and a large bungalow that occupies a quarter of the plot, again with a large garage. There is no other development within the village that 'echoes' this.
- The proposed says the site has been developed with outbuildings which are 'unsightly', these cannot be seen from the roadside at all. The site is green open space with a variety of planted trees which will have to be felled.
- The proposed will not provide employment and or create or enhance the community facilities as outlined in policy SS2.
- We would request that at least 2 bird boxes and 1 bat box are provided on site, a stipulation that all external lighting should be designed so as to minimise light pollution and the use of native plant species in any planting scheme. These items should be included in the Planning Conditions if it is decided to grant Planning Permission.

## CONSIDERATIONS

### Principle of Development

Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, are 'Rural Settlements', which policy SS1 states "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 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 at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)." This proposal complies with this.

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main

consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

It should be noted that the site is on the edge of Horsington which is a village that contains a number of facilities such as a pub, children's play area, village hall, faith facility and Primary School. Given the lack of a five year land supply as discussed above it is considered a sustainable location for residential development of this type.

The site is adjacent and to the east of a Conservation Area so any impact of its setting will need to be carefully considered. Also consideration of the setting of the nearby Listed Buildings should inform the form and location of development on the site.

### **Scale and Appearance**

This is an outline application with the only matter to be determined being the access at this stage (the remainder including scale and appearance will be dealt with at the reserved matters stage) Notwithstanding this an illustrative layout has been submitted as part of the proposals which gives an impression of how the development may look at reserved matters stage. The details show a similar cul de sac to the neighbouring affordable housing to the west. The density is comparable to the affordable units (slightly higher) although it is higher than the more established development to the east of the site.

Appearance cannot be discussed in great detail at this stage (due to the lack of submitted elevations at this stage) and will be explored further and in more depth at the reserved matters stage. The impact on the views to and from the adjacent Conservation Area/Listed Buildings will be paramount in this consideration.

### **Affordable Housing**

The varied mix of the housing proposed is important and is duly noted and welcomed. To quote the agent:

'The number of dwellings proposed is 8 and the cumulative floor area will be below 1000m<sup>2</sup> such that there is no requirement for the provision of affordable housing on-site. However, as explained above, the intention (taking into account the normal requirements of Policy SS2) is to deliver a form of development where 50% of it will be targeted to meet local need with 37.5% being in the form of discount market housing (for local residents) which now falls within the statutory definition of affordable housing. It is proposed that the 3 "starter" homes will be controlled through S.106 agreement so that these are sold upon completion to first time buyers with a specified local connection. The S.106 agreement will make sure that this discount and local connection preference is maintained in perpetuity thereafter.'

There will be a definite community benefit from this affordable dwelling provision which weighs heavily in favour when considering the planning balance when considering this application. There is a housing 'need' for local residents of Horsington and this application will contribute to reducing the required figure.

### **Residential Amenity**

Again at outline stage the full details are not known but the density and amount of dwelling proposed number of dwellings and the possible orientations that could be achieved would mean that a reasonable scheme could be provided which would avoid any undue overlooking or overshadowing/overbearing issues both within and without the site. As the scheme will be set back from Duck Lane behind a landscaped buffer - noise and disturbance to the proposed properties from

the use of the through road will be minimalised.

### **Highway Safety**

The County Highways Authority have raised no objection subject to appropriate conditions which are duly supported. They do note that strictly speaking the visibility splays do not accord with the standards normally required for a 30 mph road - being 2.4m x 43m whereas this site has 2 x 43m but they state that Manual for Streets allow for a reduced provision where local circumstances apply. In this case the actual speed of vehicles using this stretch of road is closer to 20mph and a more relaxed approach can be taken in terms of visibility splays. It should be noted that the existing roadside wall will need to be re-built on the east of the access back behind the visibility splay but it will be retained as a feature in the street scene. They also have a concern about a lack of cycle parking but again this will be addressed by a condition.

It should be noted that the proposed parking provision on the scheme accords with County standards. The Parish Council have pointed out that neighbours have concerns about parking in the nearby 'White Cat Cottages' estate but as they rightly note that there is ample parking proposed as part of this scheme and it would be unreasonable to insist on an over provision (and contrary to Policies which attempt to promote alternatives to the private vehicle on sustainability grounds) because of an existing or anticipated parking problem on an adjoining road. It is noted that the Parish Council have no objections to the scheme as a whole.

### **Ecology**

Given that this was an underused market garden/pony paddock there is little or no ecological interest on the land given its cultivations and management over the years. However the ecologist has pointed out that the NPPF does state that biodiversity enhancements should be included as part of all new housing development. Accordingly, he has requested some bird boxes and some bee bricks in the development which will assist in biodiversity enhancements. This is therefore part of the proposed conditions to supply, retain and maintain these on the site.

### **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

### **Response to Neighbour/Contributor comments/objections**

In terms of overlooking it should be noted that the plans are indicative only. Notwithstanding this the separation distances involved shown on the plan show in excess of twenty metres between first floor overlooking windows which is in excess of the usually accepted minimum distance. Whilst No 6 White Cat Cottages is closer it is orientated so as not to cause an issue.

In terms of density it is considered that this is directly comparable to that of White Cat Cottages and on this basis is not objected to as it does not appear out of place or out of keeping in terms of density.

Parking/Access is addressed above in the highway safety section - with no recommendation of refusal on highway grounds from either the County Council or the District Council advisor it would not be feasible to defend a refusal reason based on parking at appeal.

In terms of emergency vehicles the proposed roads are of an acceptable width for the Highways Authority to be content and inconsiderate parking (should it occur) can be applicable on any road and is more of an anti-social issue not dealt with under planning legislation.

There is a defined need for Affordable Housing throughout the district and it is a Council priority to provide it.

Whilst there is development taking place in nearby areas this is due to this being a sustainable location and does preclude further development such as this scheme.

The site is not within a conservation area but as previously noted any reserved matters should respect and enhance the adjacent conservation area.

The site will provide short terms employment for the building out of the site and the extra houses will support the existing services nearby by increased patronage by the occupants.

In terms of impact on character it is considered that this proposal does reflect the development in White Cat Cottages and is acceptable in this location.

The 'unsightly' buildings comment is an opinion of the agent. The case officer does not proffer this as a reason for granting (i.e. it is not necessarily 'tidying up the site for instance')

Conditions relating to the ecology and wildlife are included as part of the proposed conditions.

Conclusion

It is considered that given the lack of a five year housing land supply given the sustainable location of the proposed site and its proximity to services that residential development is acceptable in this location. The provision of affordable housing for local people is extremely important and should be encouraged in accordance Policy HG3 of the South Somerset District Local Plan (2006-2028) The proposal complies with advice contained with the National Planning Policy Framework and Policies SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2 and EQ4 of the South Somerset District Local Plan (2006 - 2028)

## **RECOMMENDATION**

To grant permission subject to a Section 106 Agreement to secure 50% of affordable housing targeted towards a local housing need and 37.5% of the scheme (3 dwellings) being in the form of discount marker housing (affordable housing) to be maintained in perpetuity thereafter for the following reason;

01. It is considered that given the lack of a five year housing land supply given the sustainable location of the proposed site and its proximity to services that residential development is acceptable in this location. The provision of affordable housing for local people is extremely important and should be encouraged in accordance Policy HG3 of the South Somerset District Local Plan (2006-2028) The proposal complies with advice contained with the National Planning Policy Framework and Policies SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2 and EQ4 of the South Somerset District Local Plan (2006 - 2028)

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: as required by section 90(2) Town and Country Planning Act 1990.

02. The following will be installed into or on to new dwellings accordingly unless otherwise agreed in writing by the local planning authority:



Clusters of four Schwegler 1a swift bricks or similar not less than 60cm apart will be built into the wall in northern gable ends and away from windows at least 5m above ground level in two dwellings.

One Schwegler 1SP Sparrow terraces or similar under the eaves and away from windows of north elevations of two dwellings.

One bee brick built into the wall about 1 metre above ground level on the south elevation of five dwellings.

Drawings showing the installed features will be submitted to and approved by the local planning authority prior to the commencement of construction works.

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.

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

Proposed Site plan. Dated 25/10/18. Scale 1:500. Ref 18083-1C  
Site Location plan. Dated 2/4/19. Scale 1:1250. Ref. 18083-2

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

04. 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 18083-1 Rev C). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan (2006-2028).

05. 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 and approved in writing by the Local Planning Authority. Such provision shall be installed before the occupation of the dwellings hereby approved and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan (2006-2028).

06. The dwellings hereby permitted shall not be occupied until sufficient parking spaces for the dwellings have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purposes of access.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan (2006-2028)

#### **Informatives:**

01. The County Highway Authority advises:

The applicant will be required to enter into a suitable legal agreement with the Highway

Authority to secure the construction of the highway works necessary as part of this development.

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

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

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

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