

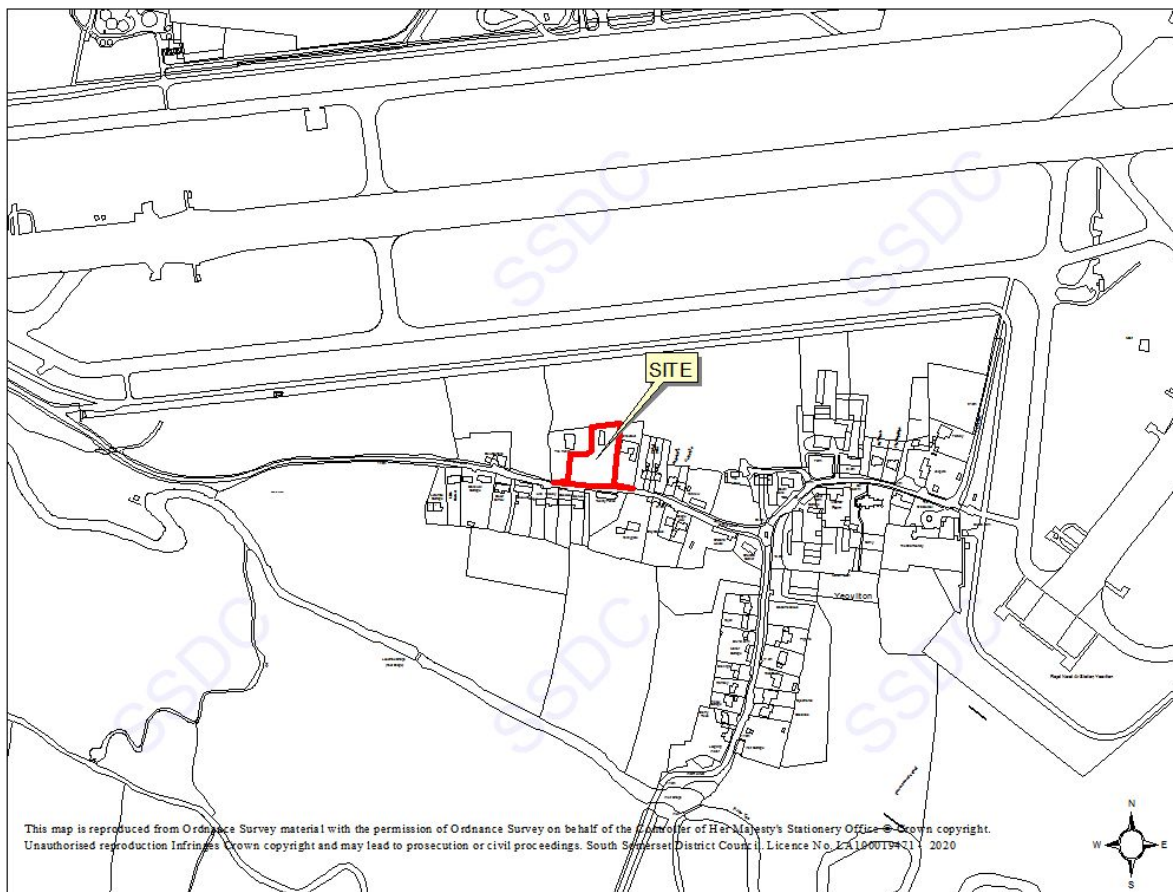
Officer Report on Planning Application: 19/00454/OUT

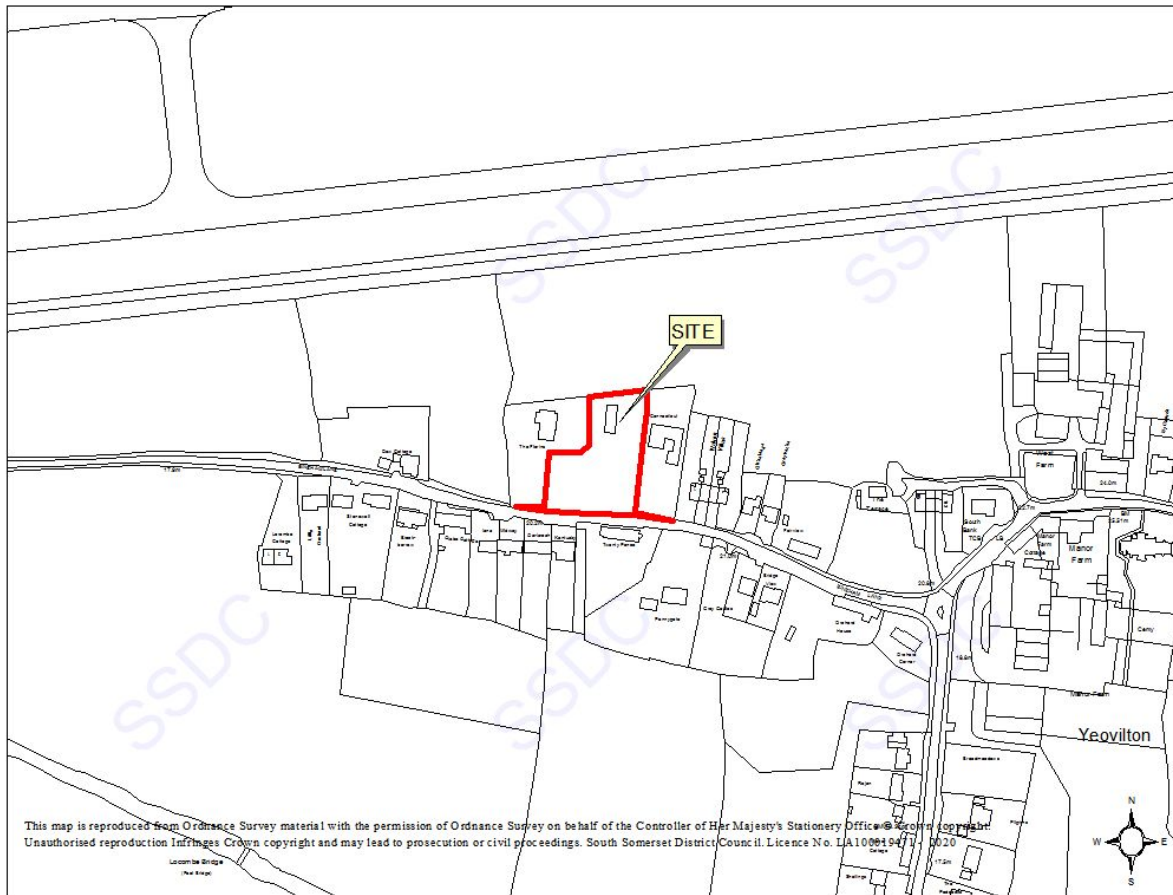
Proposal :	Erection of two single storey dwellings and formation of vehicular access
Site Address:	Land Adjacent The Florins, Bineham Lane, Yeovilton
Parish:	Yeovilton
IVELCHESTER Ward (SSDC Member)	Cllr Tony Capozzoli, Cllr Charlie Hull and Cllr Paul Rowsell
Recommending Case Officer:	David Kenyon
Target date :	15th April 2019
Applicant :	Mr Paul Rogers
Agent: (no agent if blank)	Mr Michael Williams Clive Miller Planning Ltd Sanderley Studio Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR COMMITTEE REFERRAL

As the officer's recommendation is contrary to the opinion of the Parish Council, the application was referred to the Ward Members. All three Ward Members expressed disagreement with the officer's recommendation and requested the application be referred to Committee for consideration and determination. With the agreement of the Area Chair, the application is duly referred to the Area East Committee.

SITE DESCRIPTION AND PROPOSAL





The application site is located to the north of Bineham Lane at the northern end of the village of Yeovilton. It is an inverted L-shape, approximately 0.28 ha in area, and was formerly used as a nursery, that use having ceased over 25 years ago. It is currently unused. The site is level and elevated slightly above the level of Bineham Lane. To the rear of the site is a small redundant outbuilding. The site is served by an existing vehicular access from Bineham Lane, albeit overgrown and along the road frontage is tree and hedge cover.

The site forms a gap within the street scene of predominately residential dwellings. To the south, east and west of the site are residential dwellings with agricultural land further to the west and to the north with the Airfield beyond.

The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area or TPO's. However, to the south of the site, on the opposite side of and immediately fronting the road, is a stone and thatched cottage known as "Twenty Pence" which is a Grade II Listed Building.

This is an outline application for the erection of two single storey dwellings and the formation of a vehicular access. All details in relation to access, appearance, landscaping, layout and scale are reserved for consideration at the detailed application stage and are not to be considered as part of this outline application.

Included within the application submission are a Planning Statement; an Archaeological Evaluation Report dated July 2019 prepared by Context One Archaeological services Ltd; and a preliminary Ecological Appraisal dated March 2019 and Phase Two Reptile and Bat Activity Surveys dated September 2019 both prepared by Abbas Ecology. An illustrative layout (proposed site plan drawing no. 6803-01) has also been submitted.

RELEVANT HISTORY

04/00890/OUT. The erection of a bungalow.

Refused 13.07.2004 on grounds of:

- (i) encroachment into open countryside and resultant harm to the rural character and appearance of the locality;
- (ii) the proposed development being located where it is remote from public transport, education and health facilities and other services and therefore would increase the need for journeys to be made by private vehicles which is non-sustainable; and
- (iii) the site lying within Noise Exposure Category D where the occupiers would be subject to unacceptable levels of aircraft noise.

95/07644/OUT. Erection of three bungalows (Outline).

Refused 21.06.1996 on grounds of:

- (i) location of the proposed development in open countryside for which there was no overriding justification, with resultant serious erosion of the open character and appearance of this part of the village; and
- (ii) close proximity to the Air Station which would result in occupants being subject to excessive aircraft noise.

APPEAL DISMISSED 18.02.1997. The Inspector considered that the proposed dwellings would be exposed to unacceptable level of aircraft noise and also was of the opinion that the proposal would result in an unacceptable extension of the built environment into the open countryside, harmful to the character and appearance of the area, and as such was in conflict with adopted policies. He noted that Yeovilton had (at that time) some 35 dwellings and the built form in Bineham Lane is characterised by linear development housing, mostly close to the road, with open spaces where the fields meet the road. However, both properties adjoining this appeal site are set well back from the road and the gap is wide. The proposal could not be construed as "infilling" of a small gap in a mainly built up frontage. Also the insertion of three dwellings in this gap would be entirely out of keeping with the generally spacious form of the settlement. Any argument that residential development would tidy up the site would not constitute a good reason for exception as to planning policy.

91/02964/FUL. The change of use of land and building from horticultural nursery to the storage and maintenance of horticultural equipment and stock.

Refused 16.01.1992 on grounds of no justification for a commercial storage depot in the countryside, unacceptable nuisance and unacceptable increase in traffic generation.

89/02560/OUT. Erection of 5 dwellings and garages (Outline).

Refused 15.11.1989 on grounds that the development would seriously erode the open character and appearance of this part of the village and would be so close to the nearby Air Station as to result in occupants being subject to excessive aircraft noise.

Outline planning permission was granted in 1983 (ref: 821601) for an agricultural dwelling in association with the modest 1.5 acres comprised in the then on-going nursery business. This was subject to a Legal Agreement dated 8th June 1983 preventing fragmentation of the land comprised in the nursery site.

Despite the agricultural justification accepted in connection with that 1983 outline permission, in September 1985, full planning permission was granted (ref: 851512) for a bungalow without agricultural justification and without any Legal Agreement. In addition, the permission was not subject to an agricultural occupancy condition. This application coincided with the site of the earlier 1983 outline permission (821601). This permission was implemented and relates to the dwelling that lies to the west of the current application site (dwelling known as "The Florins"). Mindful of the fact that the 1985 permission was not subject to an agricultural tie nor any Legal

Agreement, subsequently the June 1983 Legal Agreement was cancelled.

In 1986, a further outline permission was granted for another dwelling on the nursery land (ref: 860886). Subsequent to this outline consent, full planning permission was granted in August 1987 for a bungalow and garage (ref: 871686), this relating to the same site as the earlier 1986 outline permission (860886). This permission has been implemented and relates to the dwelling to the east of the current application site (dwelling known as "Connecticut").

POLICY

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respects listed buildings and states:

"In considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

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

- SD1 - Sustainable Development
- SS1 - Settlement Strategy
- SS2 - Development in Rural Settlements
- SS4 - District Wide Housing Provision
- SS5 - Delivering New Housing Growth
- TA1 - Low carbon Travel
- TA5 - Transport Impact of New Development
- TA6 - Parking Standards
- EQ1 - Addressing Climate Change in South Somerset
- EQ2 - General Development
- EQ3 - Historic Environment
- EQ4 - Biodiversity
- EQ5 - Green Infrastructure
- EQ7 - Pollution Control

National Planning Policy Framework - February 2019

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

Other Material Considerations

Somerset County Council Parking Strategy (September 2013)

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

Climate change

Design

Noise Exposure Category B (RNAS Yeovilton)

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) of the NPPF in relation to decision taking is engaged, this states:-

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

CONSULTATIONS

Yeovilton Parish Council

The Parish Council fully agreed with the principle of development on this site. However the Council was not content with the proposed layout, as it was felt that the dwellings were too far forward in relation to adjacent properties, and the proposed entrance splay needs to be improved.

County Highway Authority - Standing advice applies.

SSDC Highway Consultant

Need to consider the location of the site in terms of accessibility/connectivity to local services and facilities. With regards to access, the visibility splays appear to cross the frontage of the adjoining properties either side - The Florins and Connecticut. Are these slivers of land within the applicant's control or within the highway verge? It would be useful if the agent could confirm the speed limit on this section of Bineham Lane. More details should be submitted in respect of the proposed surface of the accesses and drainage.

SSDC Environmental Health

The site is in within Zone B where, in accordance with page 257 of the Local Plan, it states that new housing should be provided with acoustic insulation. No objection is raised on noise grounds but, with the proposed development being in Zone B, details need to be provided as to acoustic insulation, in particular details of glazing performance and also how noise break-in via the roof is to be achieved. A condition is recommended requiring a sound report to be

undertaken and submitted given the proximity to the Airfield.

SSDC Conservation Officer

No objections.

County Ecologist

No objections are raised but, in order to comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, conditions are recommended relating to protection of trees and hedgerows, bats, birds, badgers and reptiles, together with the carrying out of various measures to enable a net gain for biodiversity and protected species.

South West Heritage Trust

Based on the information contained within the submitted Archaeological Evaluation Report, there is no need for any further archaeological work on this site.

Wessex Water

No objections. Various informatives are suggested for inclusion on the decision notice.

Ministry of Defence - No comments received.

REPRESENTATIONS

Two representation have been received from third parties.

One raises objections to the application and, to summarise, makes reference to the previous refusals of planning permission for dwellings on the site and the proximity of the site to the Air Station and associated safety dangers, pollution and nuisances caused by low flying aircraft.

The other representation supports the principle of development of the land but raises objections to the placing of two bungalows so close to the road opposite the Grade II Listed Building, "Twenty Pence" (as indicated on the submitted site layout plan). Such siting of the two dwellings would adversely impact on the setting of the Listed Building and they should, instead, be placed in line with the existing bungalows already built on either side of this application site.

These representations are copied in full on the website for consideration.

CONSIDERATIONS

Principle of Development

Yeovilton is defined in the Local Plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is Policy SS2 of the South Somerset Local Plan. The proposal is contrary to that policy, as it does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need.

However, as SSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to what the development must provide (e.g. meeting an identified housing need).

The village of Yeovilton is a very small settlement which is devoid of local facilities or services, with even the Church in the village owned by the Navy. It has been assessed that Yeovilton is

not closely related to other settlements in the area and, in this regard, it is not considered appropriate to 'cluster' it with other surrounding towns and villages from the point of view of services and contributing towards the sustainability of these neighbouring communities. Given this, it is considered that the village does not meet the criteria of being a Rural Settlement as set out within Local Plan Policy SS2 and, due to its lack of day to day services and facilities, must be considered to be an unsustainable and therefore inappropriate location for new build residential development as prescribed by both the Local Plan and the NPPF.

Whilst it is accepted that two new dwellings may provide economic benefits during construction, these would only be temporary and would not outweigh the environmental harm identified in regard to sustainability of future occupants. The principle of the proposed development is therefore considered to be unacceptable.

Impact on Setting of Listed Building

The application site lies in close proximity to the grade II Listed Building, "Twenty Pence", which is located on the opposite side of Bineham Lane. The Conservation Officer has raised no objections to this outline application and does not believe that there will be any harm caused to the setting of the Listed Building, noting that Bineham Lane has a number of properties along the road, most of which are stepped back from the roads edge, and all of the properties are different in form and massing.

The proposed development would, in principle, result in no substantial harm to the setting of the designated heritage asset. As such the proposal is in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and does not conflict with the aims of Policy EQ3 of the Local Plan, nor with the relevant guidance within the NPPF.

Highways and Parking

Given the consultation response from the SSDC Highway Consultant, the proposal is considered to be acceptable, in principle, from a highways perspective. Appropriate conditions could be attached to any grant of outline permission to cover certain points raised. Nevertheless such detailed access considerations would be subject to a separate "reserved matters" application pursuant to any grant of outline permission that may be granted for this development proposal.

It is considered that the traffic generation to and from the site for two dwellings would not be 'severe' (to use the terminology in the NPPF) and thus a refusal of permission on highways grounds for this proposal would be unreasonable. There would be no significant adverse impact on highway safety. As such, the proposed development is in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Other Matters

Concerns have been raised by the Parish Council and a neighbouring third party about the siting of the proposed dwellings as indicated on the submitted site layout drawing. However, this current outline application only seeks permission for the principle of erecting two dwellings on the site. The drawing that has been submitted as part of the application showing the proposed siting of plots 1 and 2 is simply illustrative in nature and is intended to show that the proposed quantum of development can easily be accommodated on the site. Should outline planning permission be granted for the proposal, then detailed considerations, such as access, appearance, landscaping, layout and scale, would be subject to a subsequent 'reserved matters' application to then be considered on its own merits.

The site is located in Zone B of the Yeovilton noise contours. The noise impacts to the development could therefore be mitigated through the imposition of a condition as suggested by the Environmental Health Officer.

Concerns have been raised about proximity to the Air Station in terms of aircraft safety. However, no comments have been received from the Ministry of Defence raising objections to the proposal, nor have any adverse comments been received from the Environmental Health Officer.

Conclusions and Planning Balance

The proposed development is considered to constitute an unsustainable form of development where future occupiers would be highly dependent upon driving to get to day to day services and facilities. The proposal is therefore considered to be an unsustainable and inappropriate form of development that is contrary to the aims and objectives of Local Plan Policies SD1 and SS2 and the provisions of the National Planning Policy Framework.

RECOMMENDATION

Planning permission is REFUSED for the following reason:

SUBJECT TO THE FOLLOWING:

01. The location of the proposed development is remote from local services, facilities and local transport and, as a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. The proposal is not sought to meet an identified local need and so will not contribute to increasing the sustainability of this settlement and it is considered that such fostering of growth in the need to travel is contrary to the aims and objectives of sustainable development as set out within Policies SD1 and SS2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.