

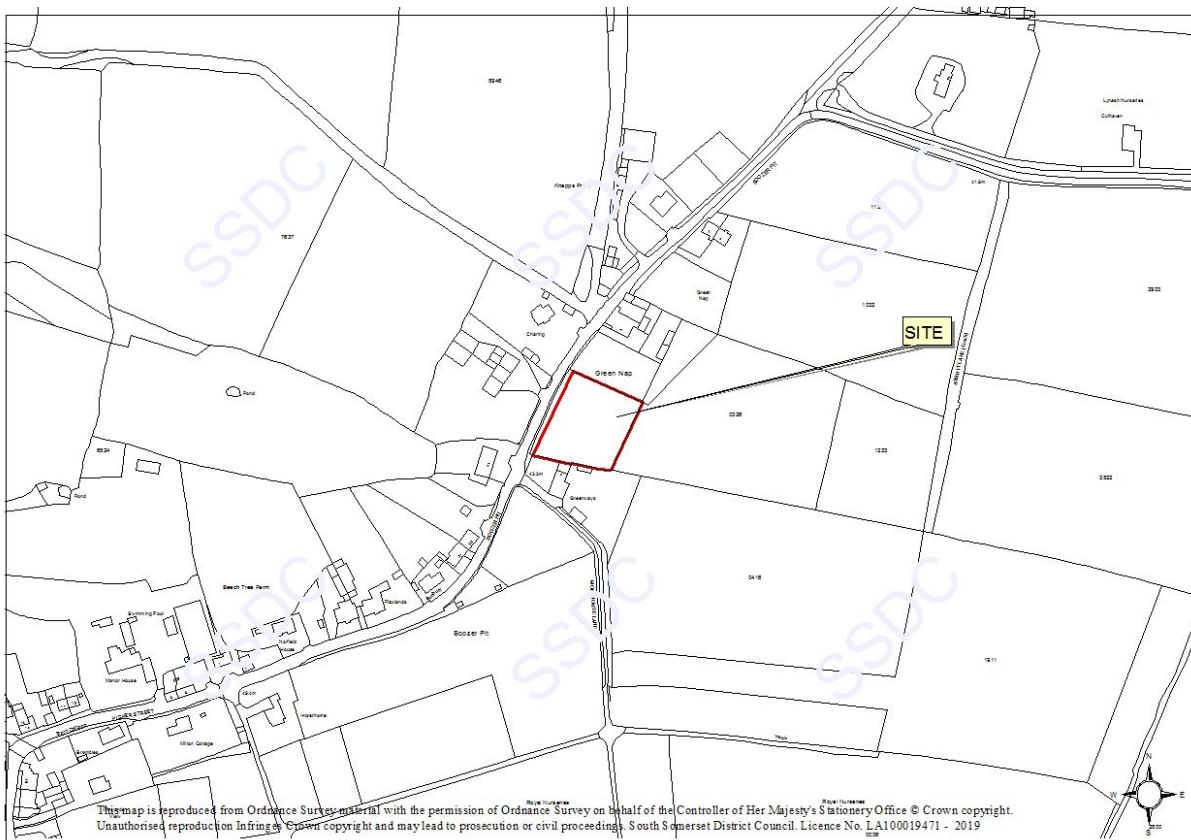
## Officer Report On Planning Application: 19/00911/FUL

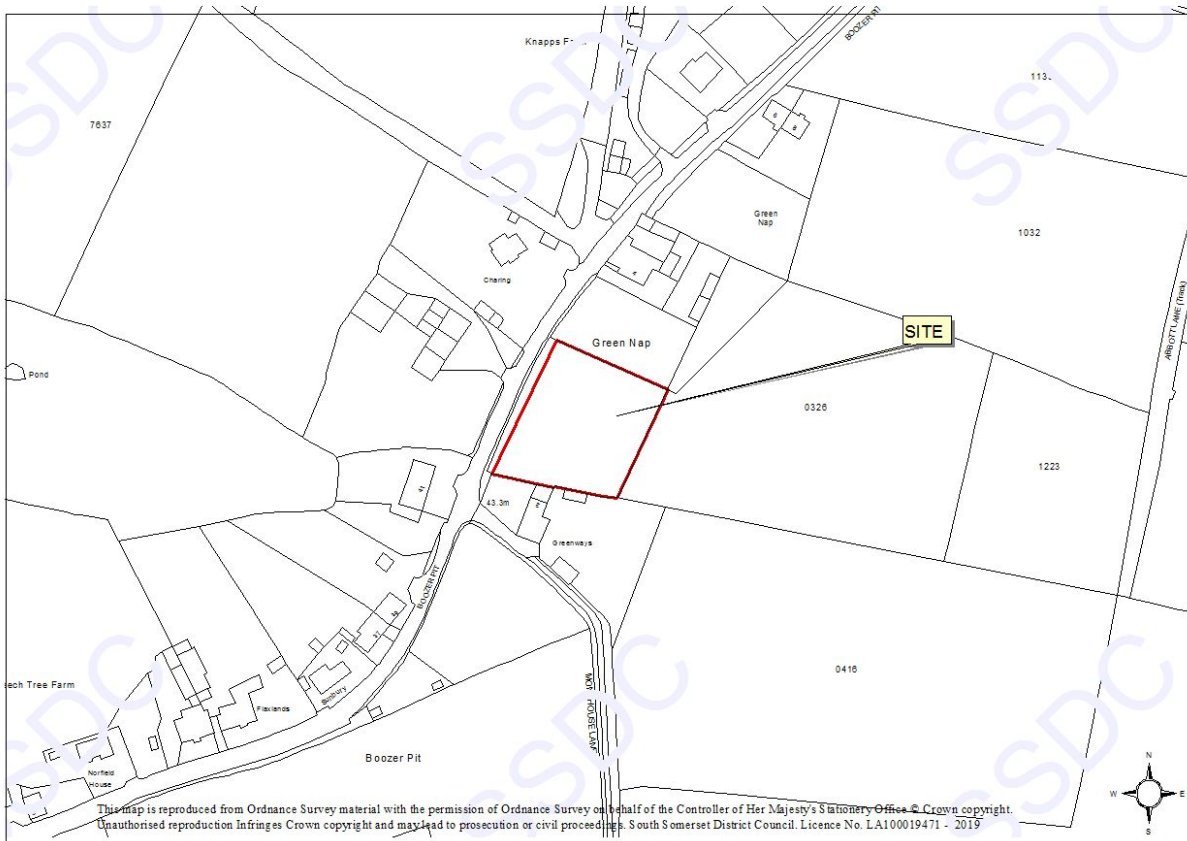
<b>Proposal :</b>	Erection of 2 dwellings
<b>Site Address:</b>	Land At Boozer Pit Merriott TA16 5PW
<b>Parish:</b>	Merriott
<b>EGGWOOD Ward (SSDC Member)</b>	Cllr Paul Maxwell
<b>Recommending Case Officer:</b>	Louisa Brown
<b>Target date :</b>	24th May 2019
<b>Applicant :</b>	Mr & Mrs Clemas
<b>Agent: (no agent if blank)</b>	Michael Williams Sanderley Studio Kennel Lane Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Committee by the Ward Member with the agreement of the Area Chair to allow discussion of the planning issues.

### SITE DESCRIPTION AND PROPOSAL





The site is a small agricultural field to the northeast of the rural village of Merriott. It sits approximately a metre higher than the road and the adjacent property to the south. There are existing dwellings to the north and south of the site.

### Proposal

This is an application for residential development comprising of the erection of 2 no. detached dwellings, associated parking, and landscaping at Boozer Pit, Merriott as amended by plans submitted on 4th September 2019.

### Constraints

There are limited constraints on the site. There are few national or local designations within the site or that could be affected by the proposal. The site lies 60m from the Merriott Conservation Area.

The site lies within the Rural Settlement area of Merriott and is not in Flood zone 2 or 3 or any groundwater protection area. The proposed development is not in a Radon affected area.

### HISTORY

13/05172/OUT Erection of 6 No. detached dwellings to include 2 No. affordable units (outline)  
Land To The North Of Half Moon House Boozer Pit Merriott Somerset - Refused 11 Feb 2014.

11/03775/FUL The formation of a new access - Approved on appeal 2 November 2012.

### POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of

the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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

### **South Somerset Local Plan policies (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
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity

### **National Planning Policy Framework - March 2019**

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

### **Other**

Somerset County Council Parking Strategy (September 2013)

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

### **CONSULTATIONS**

#### **Merriott Parish**

Councillors object to the application on the following grounds:

1. The plot is not well connected to the village; there is no footpath;
2. There is no identified local housing need in the village for the proposed types of dwellings;
3. Building in the gaps would be detrimental to the character of the village.

#### **County Highways**

Standing Advice Applies.

#### **SSDC Highways Consultant**

Referring to the amended plan (drawing: 617 (00) 02 E, it would appear that the full 2.4m x 43m visibility

splay (to a point 1m off the nearside carriageway edge) can be provided in the northerly direction.

There is a thin sliver of land across the frontage of the adjoining property (Green Knapp) immediately to the north of the application site which appears to form part of the highway maintainable at public expense (i.e. highway verge). The same splay (2.4m x 43m) can also be achieved in the opposite direction.

There should be no obstruction greater than 600mm above adjoining road level with the visibility splays. The other points of detail (the width of the access and its surface) are acceptable. Drainage measures would need to be installed across the access to prevent surface water from discharging on to the public highway but this requirement can be conditioned. The on-site parking and turning provision is acceptable for each dwelling.

### **Somerset Ecology Services**

An ecological assessment of the application site is not needed but, given that no bat activity surveys were carried out, recommends that a condition is attached to any approval.

### **REPRESENTATIONS**

24 statements of representation have been received; 14 objecting to the proposal and 10 in support.

Reasons for objection are:

- views of the countryside would be ruined and spoilt;
- the development would set a new precedent in terms of building in the local area;
- the proposal conflicts with Policies EQ2 and EQ3 of the Local Plan;
- the proposal is not sustainable development;
- future occupants would be car dependent to reach basic amenities;
- Boozer Pit is already narrow and dangerous and the additional traffic would impact on highway safety;
- Loss of prime agricultural land;
- Impact on local services; the local school has no capacity;
- No local benefit or affordable housing;
- An Urban Design is inappropriate in the local context;
- Impact on the Conservation Area;
- The proposal represents 'urban sprawl' in a rural setting;
- The properties will be very visible from the road as the land is set higher than the public highway;
- The proposed houses are very large and do not reflect 'local distinctiveness';
- The development would impact on residents' enjoyment of the countryside;
- The proposed properties do not contribute to the local housing need in the village;

The representations in support of the application were on the grounds that:

- there would be a self-build unit;
- it is within the 30mph speed zone and has street lighting;
- new residents would help to support and retain village services;
- the houses would be set back from the road in large plots;
- small infill schemes are preferable to large developments;
- the development has been designed sympathetically;
- there is a need in the village for 3 bed homes;
- public footpaths are available for access to the village centre.

## CONSIDERATIONS

### Principle of Development

The acceptability of the scheme depends on compliance with the relevant development plan policies and site specific considerations which are set out in the report below.

Policy SD1 reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (2019). Planning applications that accord with the policies in the adopted local plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- 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
- 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.

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and these considerations are set out below:

Sustainability of the settlement:

Merriott is classified as 'rural settlements' in the local Plan and as such Policy SS2 applies. This 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".

Policy SS2 sets a relatively restrictive approach to development in rural settlements in that the principle of housing is not automatically accepted as it is predicated upon the compliance of the proposal with the above requirements. However, SS2 is given reduced weight in determination of this proposal due to the lack of 5 year housing land supply.

It is considered that there would be partial compliance with SS2. Local housing need is evidenced within

the application in the regard to one plot being a self build. The Local Authority has a duty under sections 2 and 2A of the Self-build and Custom Housebuilding Act 2015 to give enough suitable development permissions to meet the identified demand. The applicant indicates a demand of 109 plots from self-builders in the district, of which 5 are for plots in Merriott. 1 no. of the proposed dwellings would be a self-build unit which would contribute towards the Authority's identified need to provide self-build sites.

Also of relevance is whether, Merriott meets basic 'sustainability criteria' in terms of the provision of basic local facilities. Policy SS2 requires two facilities such as a public house and shop for a settlement to be considered appropriate (amongst other criteria) for housing development. Merriott benefits from a range of local services and facilities including a garage, a post office, a petrol station, butcher, a pub and social club, village hall, a church, a pharmacy, convenience store, a primary school, preschool and play/sports facilities. It is considered that the proposal of 2 no. detached dwellings is commensurate with the scale and character of Merriott.

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance and the benefits of additional housing in a Rural Settlement, when weighed against the lack of 5 year land supply, are considered relevant. The proposal would also bring short term economic gains in terms of construction and some further benefits would accrue through increased support for local services which would support the longer term sustainability of these services.

The proposed development would meet an identified housing need in a Rural Settlement which has more than two key services, and would support the sustainability of those services, and is therefore in accordance with the aims and requirements of the NPPF and thus policies SD1, SS2, SS4, and SS5 of the South Somerset Local Plan (2006 - 2028).

### **Visual amenity**

The surrounding area comprises predominately of two storey detached residential dwellings interspersed with open agricultural land. A previous application (13/05172/OUT) for 6 dwellings was refused at appeal. Among the grounds for refusal at appeal (14/00021/REF) were that this number of units set in relatively small plots would represent an unwelcome consolidation of built form here, uncharacteristic of the rural, agricultural character. The current application for 2 no. detached dwellings in large plots, set back from the public highway is reflective of and sympathetic to the local character.

The applicant has revised the original plans to make the proposed dwellings more sympathetic to the prevailing local vernacular to include traditional frontages and materials including stone and tile. In addition, the ridge heights of both proposed dwellings have been lowered in the amended plans to reduce the scale and mass of the buildings when viewed from the public highway which sits 1m lower than the ground level of the proposed units.

Parts of the village are identified as a Conservation Area. The Appeal Inspector was satisfied that the refused development would not harm the character or appearance of the Conservation Area. The current smaller proposal is therefore not considered to be harmful to the intrinsic character or appearance of the designated area of the village.

While the proposed dwellings would represent infilling in a partially open landscape, the buildings would not dominate the landscape or the surrounding built form, and would respect and enhance the local character, landscape and setting of the conservation area. Notwithstanding comments received it is therefore considered that the proposal accords with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

### **Residential Amenity**

The proposed dwellings are located a sufficient distance both from each other and the adjoining

dwelling on either side to ensure that there would be no undue overlooking or loss of privacy. New House 1 would be 33m from Farmhouse Cottage to the north and New House 2 would be 10m from Half Moon House to the south and neither proposed dwelling would have a window above ground floor on the respective neighbour facing elevations. New House 2 would have a first floor habitable (bedroom) window overlooking the garage of New House 1 but it is not considered that this would significantly impact the privacy of the future occupants of New House 1.

Having regard to the above, it is considered that the proposal would be acceptable in regards to residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

## **Highway Safety**

It is acknowledged that Boozer Pit is a typical Somerset lane being narrow and without separate pedestrian access and that occupants of new dwellings in rural areas such as the proposed development will be somewhat dependent on the car to access facilities not available in smaller local settlements. It is also noted that the previous development for 6 no. dwellings was refused, at least in part, on the grounds of inadequate or unsafe pedestrian access to the village centre.

The number of proposed units in the present application is materially less than that previously refused at appeal and the number of car and pedestrian journeys would be anticipated to be proportionally less. While there would still be an increase in overall vehicular traffic compared to the existing agricultural use, it is not anticipated to be a severe increase.

The Highways Authority and SSDC's Highways Consultant consider that at the proposed access point, Boozer Pit is straight and the visibility splays conform to safety standards. The applicant has amended the proposed access to the site by widening the concrete splay to 5m improve for a length of 6m in the interest of improving accessibility and safety in accordance with guidelines for access points that serve more than one dwelling.

Public Rights of Way (40UD075 CH 19/32 and 40UD075 CH 19/36) are close to the site, facilitating pedestrian access to village services, and Boozer Pit forms part of the Regional Route 30 South Somerset cycleway. While the available non-car routes were characterised by the Appeal Inspector as uninviting, they are typical of the rural character of the area and NPPF (2019) Paragraph 103 directs that different solutions for sustainable transport in rural areas are acceptable.

Policy TA1 requires that all new residential development 'should' provide certain elements to ensure low carbon travel. As this proposal is for new housing it is considered acceptable to condition an electric vehicle charge point, however due to the scale of the development travel plans will not be required.

Sustainable alternatives to car journeys for reaching local services from the proposed dwellings are available. The Highway Authority have not raised any objections to the application and SSDC's Highway Consultant is satisfied subject to conditions relating to drainage. Subject to these conditions and an electric charge point being provided it is considered that the proposal would accord with Policies TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

## **Ecology**

A bat survey was not undertaken and therefore it is recommended that a condition is imposed on any consent providing bat, bird and bee boxes on the site and a further condition for external lighting design so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places.

Subject to these conditions, in the interest of enhancing biodiversity, the proposal would comply with Policy EQ4 of the South Somerset Local Plan (2006-2028).

## **Conclusion**

The application is materially different to the proposal that was previously refused. The traffic impacts of the development would not be severe and pedestrian access to the village centre is acceptable. The proposed dwellings would be acceptable in terms of the local landscape and character and the applicant has demonstrated that there is a local need for the proposed type of housing.

On balance, it is considered that provision of 2 no. dwellinghouses would be acceptable in principle at this location which is deemed to be sustainable in the context of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework (2019).

## **RECOMMENDATION**

APPROVE with conditions.

01. The proposed 2 no. dwellings, by reason of size, design, materials and location, will contribute to housing provision and growth in this sustainable location and respects the character of the area, the conservation area and causes no demonstrable harm to residential amenity, biodiversity or highway safety in accordance with the aims and objectives of policies SD1, SS1, SS2, SS4, SS5, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

## **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 approved plans: 617(00)05 Rev A, 617(00)01 Rev C, 617(00)02 Rev F, 617(00)03 Rev C, and 617(00)04 Rev B received 22nd August 2019.

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

03. Prior to commencement on the natural stone walls a sample panel shall be made available for inspection on site and shall show the stone to be used, mortar mix and coursing, the details shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

04. At the proposed main access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted Site Layout Plan (Drawing No 617(00)02 Rev F). Such visibility splays shall be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

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 to and approved in writing



by the Local Planning Authority. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

06. During construction of the proposed development, no construction traffic shall access or leave the site or construction works shall be undertaken on the site except between the hours 07.00hrs and 18.00hrs Monday to Friday and the hours of 08.00hrs and 16.00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect residential amenity to comply with Policy EP3 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

07. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

08. Prior to first occupation of the dwellings hereby permitted, a lighting design for bats shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of avoiding adverse impact on protected species in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

09. Prior to first occupation of the dwellings hereby permitted, the following will be installed into or onto the new dwellings accordingly:
- Four Schwegler 1a swift bricks or similar will be built into the wall under eaves and away from windows at least 5m above ground level on the north elevation of each dwelling
  - A Habibat 001 bat box or similar will be built into the wall at least 4 metres above ground level of the south elevation of each dwellings
  - One bee brick built into the wall about 1 metre above ground level on the south elevation of each dwelling.
  - Photographs of the installed features will be submitted to the local planning authority prior to the completion of the construction of each dwelling.

Reason: For the protection and enhancement of biodiversity in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

10. Any entrance gates shall be hung to open inwards only and thereafter shall be maintained in that condition at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028.

11. The areas allocated for parking and turning on the approved plan shall be implemented prior to the first occupation of the dwellings hereby approved and shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the dwellings hereby approved.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

12. The windows and doors shall be of materials as indicated on the approved plans unless otherwise agreed in writing by this authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

13. Prior to commencement on the roofs a sample of the roof tiles shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

14. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure

#### **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 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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