

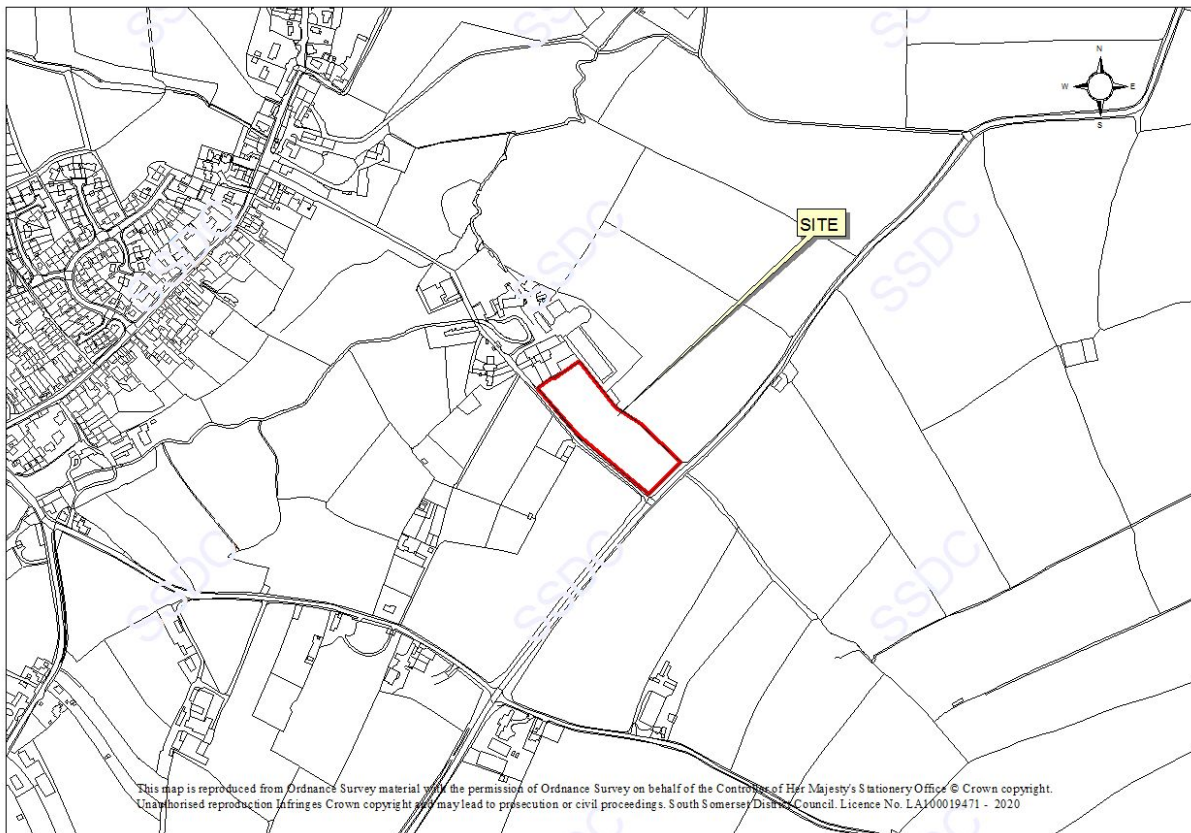
Officer Report On Planning Application: 19/00698/OUT

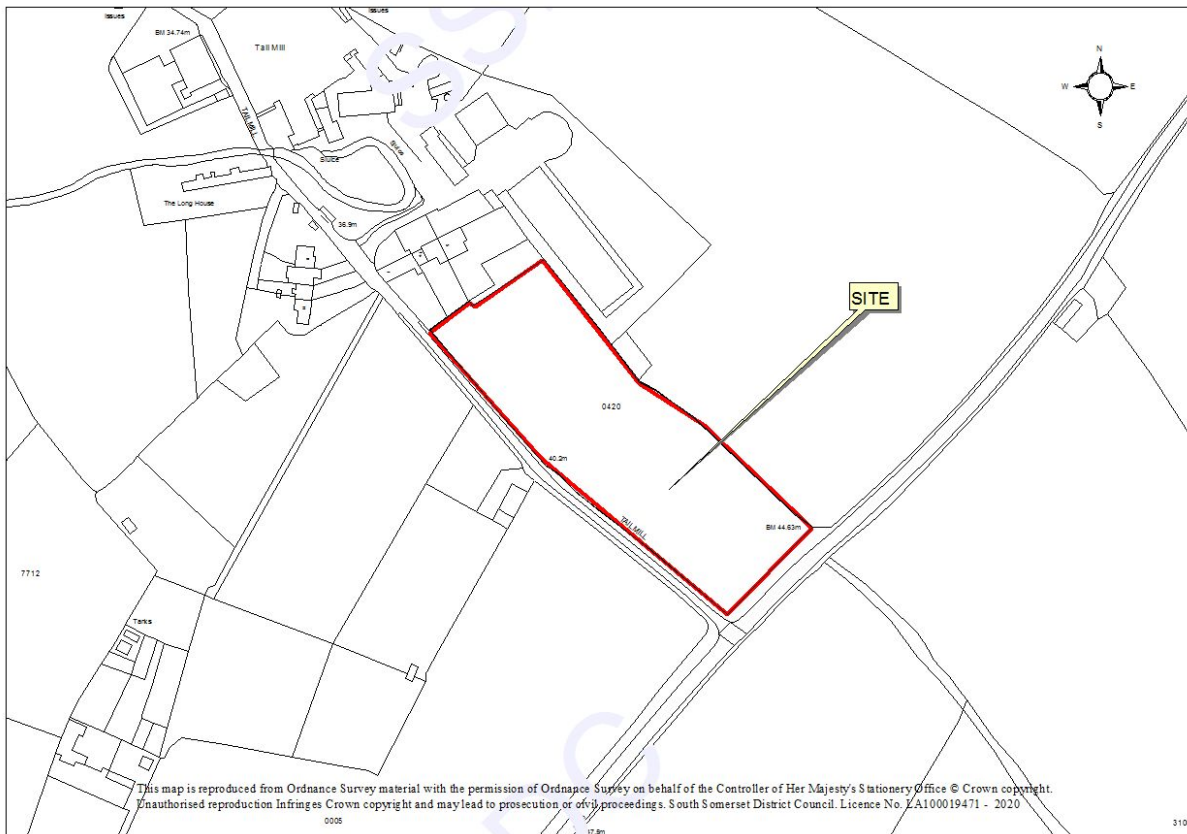
Proposal :	The erection of 9 No. residential dwellings.
Site Address:	Land OS 0420 Part Tail Mill Lane Merriott TA16 5PF
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr Paul Maxwell
Recommending Case Officer:	Ian Cousins
Target date :	24th May 2019
Applicant :	Martyn Tharratt
Agent: (no agent if blank)	Mr Lyndon Brett County Court Chambers Queen Street Bridgwater TA6 3DA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee by the Director (Service Delivery) in consultation with the relevant Area Chairman taking into consideration that due to the nature of the application and the evident public interest that the Committee should consider it.

SITE DESCRIPTION AND PROPOSAL





The application site forms part of a rectangular field adjacent to Tail Mill Lane. New planting, along with a post and rail fence, forms the boundary between the site and the road edge along the South West edge. Access into the site is along this boundary. Residential dwellings are located beyond the North West boundary and a commercial unit is located to part of the North East boundary. Hedging encloses the site to the South East and forms a boundary with the A356. The site itself is an open field and gently slopes downhill in a North Easterly direction. The main body of the Tail Mill site to the north of the application site contains a number of listed buildings and also forms part of the Merriott conservation area.

This is an outline application with all matters reserved apart from access for the erection of 9 No. dwellings. Access into the site is to be shared with a proposed service road that is to serve the adjacent business site currently being considered under application 19/00810/FUL.

HISTORY

None

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).

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

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Homes
Chapter 12 - Achieving Well-Designed Places
Chapter 16 - Conserving and Enhancing the Historic Environment

Planning Policy Guidance

Climate change
Design
Somerset County Council Parking Strategy (March 2012)

(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) 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-date, 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

Merriott Parish Council

"Object to the application on the grounds that it extends the built-up area into a greenfield plot and the site is disconnected from the village."

County Highway Authority

"No objection to the proposal subject to conditions requiring road layout and connection to public right of way to be secured."

SSDC Highway Consultant

"Refer to County Highway Authority."

Environmental Health

"No objection"

Wessex Water

"If planning approval is obtained, it is advised that a further detailed plan is submitted showing the surface water strategy for the proposed site following the SuDS hierarchy."

Lead Local Flood Authority

"No objection to the proposal subject to a condition being imposed requesting details of the surface water drainage scheme together with a programme of implementation and maintenance for the lifetime of the development."

Somerset Wildlife Trust

"Request that conditions are imposed to enhance bio-diversity"

REPRESENTATIONS

6 representations received objecting to the application on the following grounds -

- Compromises highway safety.
- Planning Permission has recently been refused for residential development on the opposite side of Tail Mill Lane.
- Will have a detrimental impact on the historic setting of Tail Mill.
- Will have a detrimental impact on the landscape.
- Loss of agricultural land.

CONSIDERATIONS**Principle of Development**

As set out above, 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.

In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. The NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, the NPPF advises that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a certain set of circumstances are met. Such circumstances include (i) there being an essential need for rural workers; (ii) enabling development to secure the future of heritage assets; (iii) re-using redundant or disused buildings; (iv) subdivision of an existing dwelling; or (v) the design of the new dwelling is of exceptional quality. None of those five circumstances apply in this instance.

Policy SD1 of the Local Plan also recognises that, when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental

conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SS1 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"

Those key services referred to in paragraph 5.41 of the Local Plan are local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility and primary school.

Policy guidance clearly encourages new housing to be located with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport.

The location of the proposed development is considered to be sustainable by virtue of its connectivity to key local services and public transport link via a pathway link to the north of the site.

For the above reason, the proposed development is considered to meet the aims of sustainable development identified within the Local Plan and NPPF.

The proposed scheme will provide nine units of accommodation that would not make a significant contribution towards the housing supply in the district. Whilst it is considered that Merriott is in a sustainable location given the facilities that the village provides, there are a number of issues with regard to the details of this site that will be considered below.

The application site is located on previously un-developed land in an area defined as countryside. In terms of site context, Merriott's Tail Mill to the North West is a listed structure, and the Mill and its associated building complex lies within Merriott conservation area. It is considered that the open land to the south of the Mill complex forms part of the setting to both the listed building and the conservation area. The row of housing to the North West boundary of the application site, which also lies within the conservation area, is considered to present a clearly defined and long established built edge to the Tail Mill complex, with which they have a historic association.

South of this established edge, there is no residential built form and it is considered that this open

agricultural land characterises the landscape and historic settings of the listed complex, along with the conservation area, to which the existing residential edge provides a clear and defining edge.

In addition to this, the site is clearly apparent from local rights of way, including the Parrett trail, which follows Tail Mill lane from the A356, directly past the site, and through the Tail Mill complex to the village beyond.

Whilst the development will have a relationship with the existing built edge, it is considered that it unduly imposes itself upon the long-established and historic open ground setting of the local heritage assets. Furthermore, the introduction of built form into the generally open and non-domesticated farmland setting of the Tail Mill building, along with their associated residential use, is considered to erode the approach and setting of both the Tail Mill complex, and the village conservation area and be at variance with the local landscape character.

As such, it is considered that the proposals fails to conform with the objectives of policies EQ2 and EQ3 of the Local Plan.

Highways and parking

Following the upgrade of Tail Mill Lane and the junction onto the A356 as part of previous development, it is considered that the highway network will be able to accommodate the anticipated level of vehicle movements. It is considered that the necessary sight lines into the site and parking provision can also be achieved. Accordingly, subject to further information regarding a construction management plan, a road layout plan with all associated infrastructure detail and a footpath connection to Tail Mill Lane, (all of which can be secured by condition) there is no objection to the proposal on Highway grounds.

Conclusions and Planning Balance

With no five year supply of housing land in South Somerset, paragraph 11 of the NPPF is engaged which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date 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.*" As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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."

The application is considered to be in a sustainable location with access to facilities and services in Merriott, however, the identified landscape and heritage harm is not outweighed by the contribution of the proposal towards the supply of housing in the district or by any other benefit arising from the scheme.

RECOMMENDATION

REFUSE

For the following reason

01. The proposal represents new residential development projecting into open countryside for which an overriding essential need has not been justified and a pattern of development failing to follow the character of development on Tail Mill Lane. Accordingly, it is considered that the proposal would have an unacceptable adverse impact upon local landscape character. The proposal would also be harmful to the setting and significance of the heritage assets due to its proximity, prominence, design and change in character of the area and does not bring any enhancement to the heritage assets. As such, the proposal is contrary to policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028. The adverse impacts are considered to significantly and demonstrably outweigh the modest benefits towards meeting the Local Planning Authority's housing supply, contrary to paragraph 14 of the National Planning Policy Framework.

Informatives:

01. In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, pre-application advice was given and highlighted landscape and heritage concerns. Having assessed the application, there were no minor or obvious solutions to overcome the significant concerns caused by the proposals that had been previously highlighted.
