

Officer Report On Planning Application: 20/01667/FUL

Proposal :	Erect dwellinghouse and construct access thereto.
Site Address:	Land At Lemons Ground Whitechurch Lane Yenston
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Debbie Redding (Specialist) Tel: 01935 462348 Email: debbie.redding@southsomerset.gov.uk
Target date :	1st September 2020
Applicant :	Mr and Mrs W Wallace
Agent: (no agent if blank)	Brimble, Lea & Partners Wessex House High Street Gillingham SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

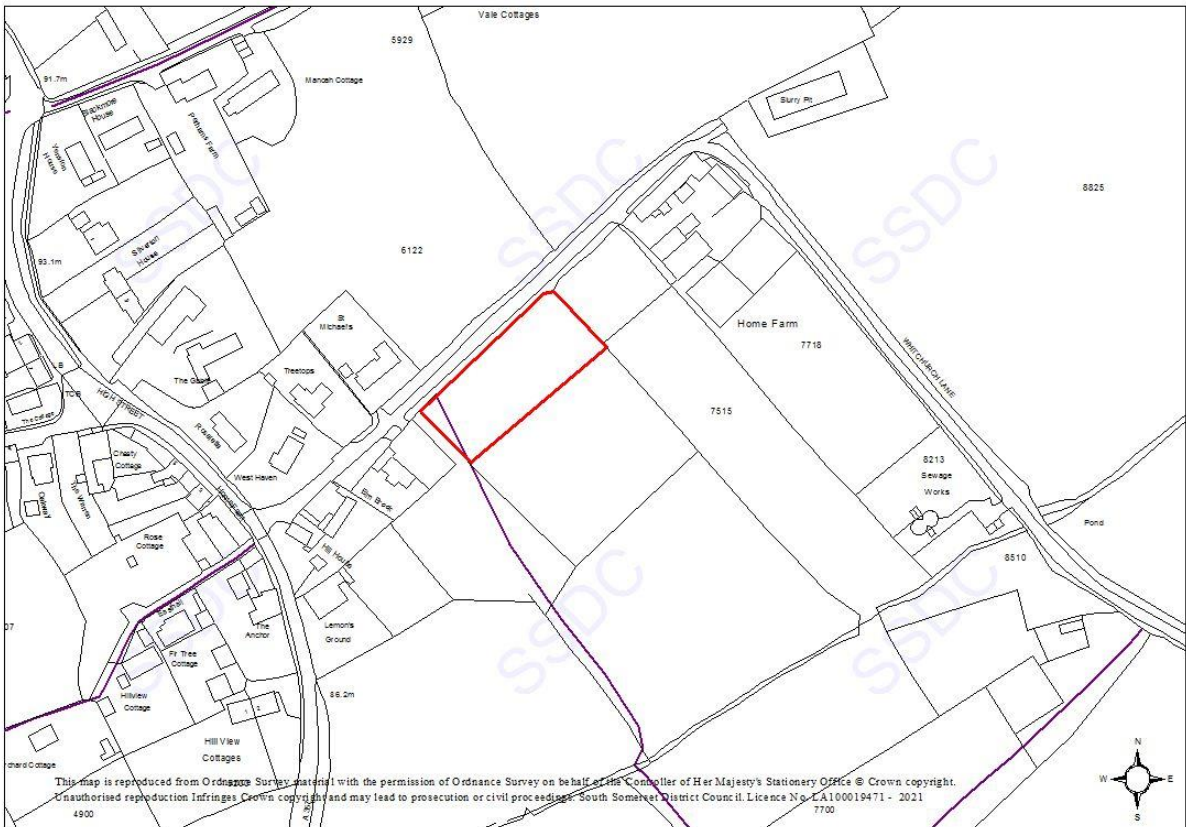
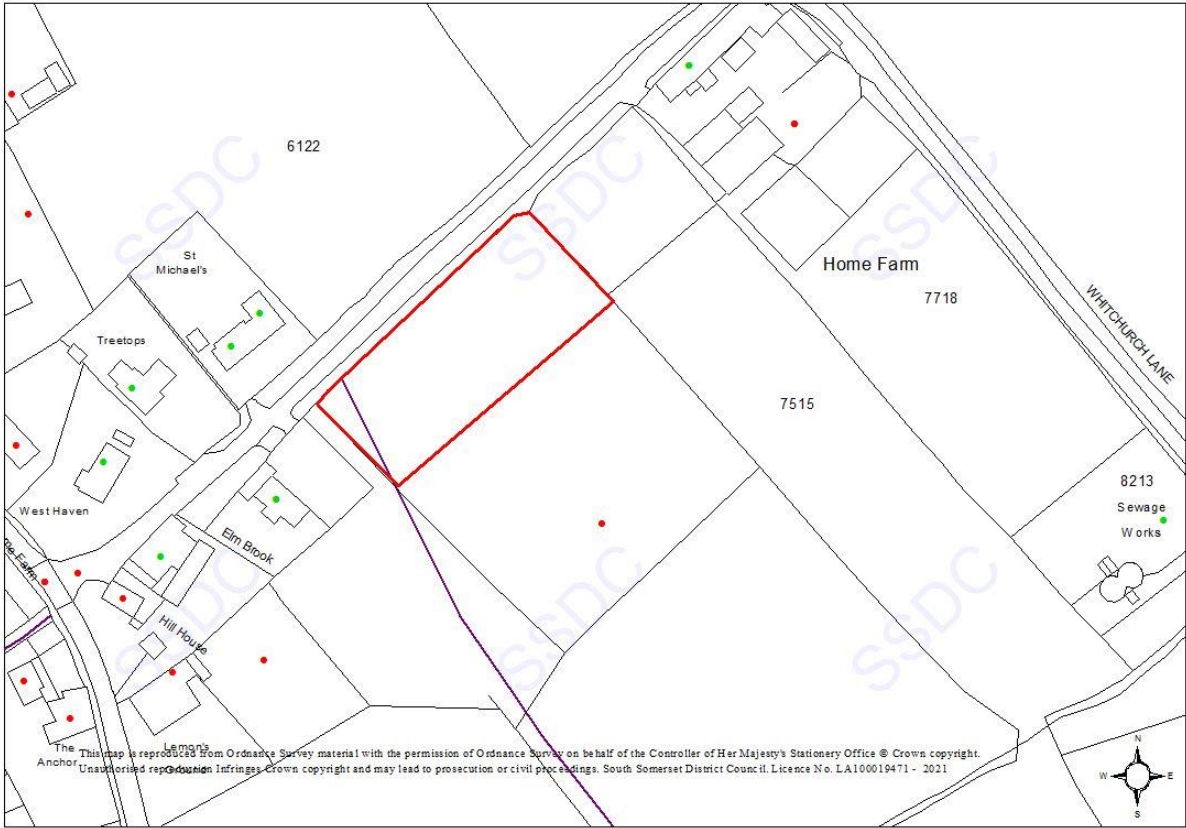
This application is to be determined at the Area East Planning Committee in accordance with our scheme of delegation, as the applicant is an elected member of SSDC.

SITE DESCRIPTION AND PROPOSAL

The application site is approximately 0.28ha located on the south side of Whitechurch lane (a C class road) to the east of the A357 which runs through the village of Yenston. The site is current in agricultural use, has an animal shelter in the northern corner of the site and is within Flood zone 1.

This application seeks full planning permission for the erection of a substantial detached 4 bedroom open market dwelling with attached double garage. The dwelling would be constructed in local natural stone with a natural slate roof and painted timber windows and doors.

A new vehicular access is proposed along the boundary to Whitechurch Lane and the existing field gate in the corner of the site with associated access to the public footpath to the south retained. The layout would include visibility splays to the access and parking for 4 cars and 2 bicycles. A sustainable drainage system is proposed for surface water and foul drainage would be connected to the mains sewers



PLANNING HISTORY

None relevant

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).

SD1 (Sustainable Development);
SS1 (Settlement Strategy);
SS4 (District Wide Housing Provision);
SS5 (Delivering New Housing Growth);
HG4 (Provision of Affordable Housing - Sites of 1-5 Dwellings);
TA5 (Transport Impact of new Development)
TA6 (Parking Standards);
EQ1 (Addressing Climate Change in South Somerset);
EQ2 (General Development)
EQ4 (Biodiversity).

National Planning Policy Framework 2019

Chapter 2 Achieving Sustainable Development
Chapter 4 Decision Making
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 9 Promoting Sustainable Transport
Chapter 12 Achieving Well-Designed Places
Chapter 15 Conserving and enhancing the natural environment

Planning Policy Guidance

Somerset County Council Parking Strategy (March 2012)
National Design Guide

REPRESENTATIONS

One representation has been received in support of this application:-

We have lived and worked on our family farm which is located in and around Yenston for three generations and over the years it has become very obvious we are very short of family homes in and around Yenston. This particular site lends itself extremely well regarding Highways, connections to Templecombe or Henstridge Primary schools and wider to A303, A30 and most important Templecombe railway Station.

CONSULTATIONS

Henstridge Parish Council :

Support this application, however, would like to make the following points:

- o The site is a Greenfield site and may be designated for agricultural use. The Parish Council assume that this matter will be considered by SSDC Planning Officers along with the policy on in-fill.
- o Any alterations to Block, Site, Access, External appearance, Elevations and Specification that may be considered after permission has been granted should be returned for approval by Council.
- o Whitechurch Lane has no storm drainage and in heavy rain, surface water escapes down the lane as quite a significant flow which gathers in the dip by the Sewage plant causing minor flooding. To avoid making this worse the Parish Council recommends the driveway and Parking area has a loose surface to prevent run-off into the lane.

Highway Authority :

Standing advice applies.

SSDC Highways Consultant :

Whitechurch Lane is narrow but at its light controlled junction with the A357, there appears to be sufficient width to allow two vehicles to pass one another and it would seem that Whitechurch Lane only serves a handful of dwellings. Therefore, it is unlikely the traffic impact of the scheme would be significant. The proposed location of the access and the associated visibility splays are acceptable. The first 5m of the access must be properly consolidated and surfaced (not loose stone or gravel) and appropriately drained. The proposed on-site parking and turning provision is acceptable. A charging

point will be required for electric vehicles

Rights of Way Officer :

Initial comment:-

The current proposal will obstruct the footpath WN 12/2 due to the proposed boundaries.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Following re-consultation:-

A Grampian-style condition will be required in this respect with regard to timing:-

No development hereby approved which shall interfere with or compromise the use of footpath WN 12/2 shall take place until a path diversion order has been made and confirmed

Please include the following paragraph as an informative note on the permission, if granted:-

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with

County Ecology :

The applicant will be required to commission a Preliminary Ecological Appraisal, which may recommend further surveys and mitigation, as required.

Notwithstanding the above, following recent advice from Natural England this application may now require a Habitats Regulations Assessment (HRA) due to the recent CJEU Dutch Nitrogen case law. This is because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering watercourses which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings, is seen as significant, either alone or in combination with other developments.

Following receipt of Preliminary Ecological Appraisal additional comments provided:-

A Preliminary Ecological Appraisal of the application site was carried out in October 2020 by David Leach Ecology.

Habitat:

- o The site is a 0.27 ha section of a large semi improved grass field.
- o The site has a public footpath running along the south west boundary, a road and hedge on the north- west boundary, was open to the main grass field to the south-east and had a mixed native hedge at the north-east boundary. There were a few small trees at the north east of the site and two small open fronted animal shelters at the north corner of the site. Near the animal shelters was an area of ruderals, mainly common nettles with some thistles and docks.
- o One of the animal shelters had walls of wood sheeting and two metal garage doors with a corrugated metal roof. The second shelter had wood cladding walls and corrugated bitumen sheet roofing.
- o The hedge at the north-west of the site was approximately 2 - 3m high and 2m wide.
- o At the north and west boundary were some ruderals at the bottom of the hedge including nettles (*Urtica dioica*), cow parsley (*Anthriscus sylvestris*) and cleavers (*Galium aparine*).
- o Species noted within the hedgerow: Elder (*Sambucus nigra*), blackthorn (*Prunus spinosa*), oak (*Quercus robur*), hawthorn (*Crataegus monogyna*), sycamore (*Acer pseudoplatanus*).
- o The main species present were blackthorn and hawthorn. In addition the woody species the hedge contained bramble (*Rubus fruticosus*), honeysuckle (*Lonicera periclymenum*) ivy (*Hedera helix*) and rosa sp.
- o There are no large trees along the section of hedge to be affected.
- o Species noted within ground flora: cow parsley, cleavers, common nettle, spear thistle (*Cirsium vulgare*), bramble, ivy (*Hedera helix*), yarrow (*Achillea millefolium*) ground ivy (*Glechoma hederacea*), hawkbit (*Leontodon* sp.), rumex sp. red clover (*Trifolium pratense*), broad leaved plantain (*Plantago major*) and common mallow (*Malva sylvestris*).
- o No rare or uncommon plants were found on site.
- o There were no signs of invasive plants within or near the site.

Bats

- o There are no trees on site with potential roosting features for bats.
- o The hedges on site could be used by foraging and commuting bats.

- o No signs of bats were found in the animal shelters which had negligible roosting potential due to a lack of roosting features and being exposed to high light levels and draughts.

Birds

- o A birds nest, possible a blackbirds, was found in the large of the two animal shelters.
- o There is potential nesting habitat in the hedge at the north-west of the site.
- o No evidence of barn owls was found in the animal shelters.
- o The habitat on and around the site is mainly close grazed grass with provides suboptimal habitat for voles and other prey items of barn owls and it is unlikely that barn owls regularly hunt in the field.

Reptiles

- o The majority of the habitat on site is closely grazed grass which provided sub optimal habitat for reptiles.
- o The ruderal vegetation at the bottom of the hedge provides moderate potential for reptiles. It is unlikely that a significant population of reptiles will be present.

Great crested newts

- o There are no ponds on site or nearby and it is unlikely that any great crested newts (*Triturus cristatus*) will be affected by the proposed works.
- o The nearest ponds are the other side of the village and are separated from the site by a buildings and roads road which acts as a barrier for commuting newts.
- o There were no records of great crested newts found within 1km of the site.
- o There is a pond 150m to the south west marked on some maps. However this was inspected and found to be a widening of the stream which runs along the bottom of a field and which has no suitability for great crested newts. It may historically have been a pond but is now part of the stream with no standing water (see plate 13 & 14).

Water voles and otters

- o There are no waterbodies on site or nearby that would provide suitable habitat for water voles or otters.

Badgers

- o No badger setts were found and no signs of badger activity such as snuffle holes or latrines were seen.

Dormice

- o The site has short lengths of hedgerow and is not linked to any ancient woodland which may hold populations of dormice. There are no dormice records within 1km of the site which has limited suitable habitat for dormice and it is unlikely any will be on site.

The hedges on site could be used by foraging and commuting bats and the site is within Consideration Zone C for Brown Long-eared bats. Therefore, the following shall be conditioned:

- 1) Prior to occupation of the dwellings, a "lighting design for bats" for the existing and proposed bordering hedgerows and tree's on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats (the existing and proposed bordering hedgerows and tree's) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed through the provision lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - c) Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

To create an access onto the site a 10m section of hedgerow will be removed. David Leach Ecology have stated that it is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season. Therefore, the following shall be conditioned:

- 2) No removal of hedgerows, trees, scrub, bramble and any other vegetation that provides

potential for nesting birds shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

It has been highlighted that other than the removal of a 10m section of hedgerow on the northwest of the site, all vegetation as a whole is being retained. The following shall be conditioned:

3) All retained trees and hedgerow bordering site, will be protected during the works, including groundworks marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the 1m buffer zone.

Reason: In accordance with BS 5837:2012, NPPF 2018 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018

4) All retained trees and hedgerow bordering site in addition to the ruderal habitat at the base of the north western hedge that provides moderate reptile habitat shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Due to the moderate potential the site offers of reptiles, the following shall be conditioned:

5) Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the new dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation

b) A Schwegler House Martin Terrace No. 11 or will be installed under the eaves of the north-west elevation

c) Two bee bricks built into the wall about 1 metre above ground level on the south-west and south-east elevation of the new dwelling.

d) To compensate and enhance for the loss of the 10m hedgerow on the north-west side of the site, approximately 100m of hedgerow will be planted around the site. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

e) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

f) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators,

www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.
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, and the Draft Environment (Principles and Governance) Bill 2018.

I am satisfied that the buildings onsite provide negligible roosting potential for bats. However, due to the opportunistic behaviour of some bat species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

As long as the above is actioned as worded, I have no further comment.

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

Policy SS1 of the adopted local plan provides a settlement strategy and hierarchy which seeks to direct new development to strategic towns, market towns and rural centres; and other rural settlements are considered as being part of the countryside. Policy SS5 of the local plan identifies a target of 2,242 dwellings in Rural Settlements between 2006-2028 and this target has already been exceeded. Policy SS2 seeks to strictly control development in Rural Settlements and would only support residential development if this meets identified housing need, particularly for affordable housing.

From November 2020 South Somerset District Council can demonstrate a housing land supply equivalent to 6 years and therefore policies SS1 and SS2 and the settlement strategy of the adopted local plan carry full weight. The target for dwellings in rural settlements in the district during the plan period has already been exceeded. Yenston is not a significant town, market town or rural centre and the proposal is not for employment, community facilities or affordable housing and therefore is contrary to policy SS2.

Yenston itself does not offer a range of local services with only a bus stop close to the junction of Whitechurch Lane and the A357 which provides an infrequent service. There is a nursery school in Whitechurch Lane but this is on the outskirts of and closer to Henstridge. Yenston is located between the villages of Henstridge and Templecombe which do have a greater range of services, employment and these rural settlements would be considered to be more sustainable locations for development. Access to these villages by foot or cycle would be too far along unsafe, unlit roads without footpaths.

This proposal would not meet an identified housing need, it is for a large detached property within a large plot and therefore would not provide suitable housing for young people wishing to stay in the area or for older people retiring and downsizing, which are types of housing which could be more acceptable in rural settlements. One additional dwelling would not provide significant benefit in terms of support to the local community or economy. Overall the principle of development is considered to be unacceptable and contrary to SD1, SS1 and SS2 of the Local Plan.

APPEARANCE AND DESIGN

The design and materials proposed would be generally acceptable in this location and could be controlled by condition. The proposed hedgerow planting would help to soften the appearance of the plot in this rural location.

AMENITY

The proposed dwelling would be within a substantial plot and would not have any close neighbours. As such the proposal would not affect the privacy, light and living conditions of the occupiers of nearby properties and there will be sufficient space within the plot to serve the proposed dwelling.

HIGHWAYS

A new vehicular access is proposed to serve the new dwelling which has acceptable visibility in both directions and there is adequate space within the plot for parking and turning of vehicles. The proposal

would be acceptable in highways terms subject to conditions regarding the access and parking and provision of a charging point.

Public Footpath WN12/2 crosses the north-west corner of the site and there has been some discussion during the progress of the application regarding the position of the access to the footpath and the exact route of a previous diversion order. A revised site layout plan has been submitted which shows the route of the footpath to be clear of the proposed built development and the boundary treatment not obstructing the route such that it would be available for public use. Subject to a condition and informative to be attached to any decision the proposal is not considered to compromise the route or use of the footpath and the query regarding the former diversion order can be resolved separately and an application for diversion submitted if required.

ECOLOGY AND BIODIVERSITY

The application site is not within the Somerset Levels catchment area and therefore assessment and mitigation with regard to phosphate output is not required.

An ecological appraisal has been provided as requested by the county ecologist which includes recommendations to protect existing habitats and provide additional enhancements. Conditions to be imposed if the applications were to be approved have been recommended by the County Ecologist.

CONCLUSION

The application site is within a rural settlement with limited services and as such development is strictly controlled in this location. The proposal is not for employment or community facilities and does not meet any identified housing need. Therefore the proposed development would not be one of the types of development identified in the Local plan to be acceptable in rural settlements and as such is contrary to policy SS1, SS2 and SS5 of the Local Plan.

Although Yenston is located between Templecombe and Henstridge which provide a wide range of local services and facilities, the bus service is limited and access to the services in these villages by foot or bicycle would not be safe and therefore not appealing to residents and therefore there would be a reliance on private vehicles contrary to Policy TA5 of the Local Plan.

Therefore, this application is recommended for refusal.

RECOMMENDATION

Refuse permission

01. The proposal is not in a strategic or market town, or rural centre where new development is sought to be directed in accordance with the Councils settlement strategy; Yenston is a small rural settlement where new development is strictly controlled, there is no identified housing need, and insufficient local services in the settlement. In addition this location does not provide safe accessibility for future residents to essential services. Therefore the development is considered to be unsustainable and as such is contrary to policies SD1, SS1, SS2, SS5 and TA5 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

Informatives:

01. In accordance with paragraph 38 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;

- o offering a pre-application advice service, and
- o 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 the applicant was advised that the proposal did not accord with the Development Plan, and that no material considerations were apparent that would outweigh these matters.