

30/10/0032

H TOTTLE & SON LTD

DEMOLITION OF TWO DWELLINGS, OFFICE BUILDING AND ASSOCIATED OUTBUILDINGS AND THE ERECTION OF 15 DWELLINGS AND ASSOCIATED EXTERNAL WORKS AT SELICKS GREEN, PITMINSTER AS AMENDED

Grid Reference: 321229.119114

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal for the following reasons:

- 1 The proposal by reason of the loss of employment land and location outside of the settlement boundary would be contrary to policy EC9 and S7 of the Taunton Deane Local Plan and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- 2 The proposed housing layout by reason of the large detached properties and garages set back from the road is considered out of keeping with the character of the village contrary to policy S2(A) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The proposal is to make the best use of a previously developed site on the north eastern edge of Blagdon Hill. The scheme involves the demolition of a dwelling, bungalow and offices together with the builder's storage buildings and the erection of 15 dwellings on land which is both within and outside the village boundary incorporating the employment land of the builder's yard. The dwellings include a terrace of three, a three-bed semi-detached, a two bed semi-detached, 2 x three-bed detached and 6 x four-bed detached. 3 affordable housing units are proposed as part of the development.

A wildlife survey, tree survey, landscape assessment, drainage scheme and design and access statement were submitted with the scheme.

SITE DESCRIPTION AND HISTORY

The site consists of 2 dwellings and a builder's office lying within the existing

settlement limits of the village and land to the east consisting largely as a builders yard with open storage which lies outside the settlement limit.

A previous planning application for 17 dwellings and 5 industrial units (30/10/0007) was withdrawn earlier this year.

The site was considered previously at a Local Plan Inquiry and was considered inappropriate for residential development because of the loss of employment land, its location and landscape impact.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Comments awaited.

PITMINSTER PARISH COUNCIL - observations

1. Our total support for the change in access, less noise and light pollution, more in keeping with the character of the village, less impact visually as you approach BH from Taunton and less impact of HGV's as result of no industrial use of the land.
2. The overwhelming support of the local population for the residential development viz a viz the mixed development.
3. Our consideration that development breaching the local plan is permissible in this case as the residential development is beyond doubt the preferred option in the locality.
4. That there are adequate, and indeed, empty industrial units not far away.
5. We support the need for better landscaping as outlined in the mixed development.
6. The visual impact from the countryside of the residential development will not be deleterious as all one will see will be housing and this will complement the current view.

HERITAGE AND LANDSCAPE OFFICER - Plots 10-15 are in open countryside and are poorly landscaped. In my opinion they will have an unacceptable landscape impact as seen from the west and south from public footpath T21/55. There is no separate landscape assessment with this scheme and no landscape scheme.

Revised Plan

The landscape plan and assessment correctly identify views from across the fields from Pitminster as the most critical. Subject to implementation of the proposed earthworks and planting and reduction of the existing soil levels it should be possible to reduce the impacts of the proposed dwellings to an acceptable level.

WESSEX WATER - The development is in a foul sewerred area and it will be

necessary to agree a point of connection, which can be agreed at detailed design stage. There is a public sewer close to the boundary and normally a 3m easement is required or diversion and protection may need to be agreed. An informative is requested for any consent to ensure the protection of any Wessex systems. The developer has proposed to dispose of surface water to soakaway. It is advised your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water mains in the vicinity and connection can be agreed at the design stage. The developer should agree prior to commencement a connection onto Wessex Water infrastructure.

The developer should check with Wessex Water concerning uncharted sewers or mains within or near the site. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out diversion or protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of such proposals as may affect it apparatus.

NATURE CONSERVATION & RESERVES OFFICERS – Comments and suggests conditions

The site is in a rural location on the edge of a village. Grazed fields, native hedgerows and mature trees surround it, all with good connectivity across the landscape. There are no water features on or near the site.

The majority of the site is made up with tarmac and amenity grassland, although the garden of Greenway contains vegetation that has been left to grow up.

Greena Ecological Consultancy carried out an ecological survey of the site in November 2009. Greena Ecological Consultancy also carried out bat activity surveys in October 2010.

Findings of the surveys are as follows

West view The surveyor found no evidence of bats using the building in the 2009 survey, but did discover four house martin nests on the west face of the building. Birds are also likely to nest in the garden

Norbu Two pipistrelle bat droppings were found in the loft space in 2009 but no bats were recorded in 2010. The surveyor concluded that bat usage of the building is likely to be several years ago. I agree however that, as a precaution, suitable bat boxes should be provided within 100 m of the site

- No signs of bats were found in the garage.
- Birds are likely to nest in the garden.

Greenway House In the first survey, it was possible for the surveyor to see that Lesser Horseshoe bats have been using some rooms in the property for occasional day and night roosting (estimated population 2-6 bats).

The survey carried out in 2010 confirmed that at least four lesser horseshoe bats were using Greenaway as well as two long eared bats. It is possible that individual pipistrelle bats could roost here as well.

Access for bats is possible via a hole in the roof and via broken windows. The surveyor considered that, because of the poor physical state of the building, it was unlikely to be a breeding site.

I agree with the surveyor that an EPS licence is required for the demolition of Greenway and that mitigation is required. Precise details of the mitigation should be agreed prior to determination of the applications.

The garden of Greenway House is overgrown and is potentially suitable habitat for reptiles. I support the surveyor's recommendation in the first report that the grass in the garden of this property should be cut in the winter to check reptiles using the garden in the summer.

- There was evidence of badgers using the garden
- Birds are likely to nest in the garden and possibly use the house.

Stores, garages workshops and offices

No signs of bats were found in any of these buildings.

The Stables and Hay barn

No signs of bats were found but it is likely that birds could nest in the building.

Builders Yard

There was some limited potential for reptiles using the rubble in the builder's yard. I support the recommendation that the rubble should not be moved during the winter months.

A badger path in the field east of the boundary hedge could be seen.

I support the surveyor's recommendation that clearance of vegetation and demolition of the buildings should take place outside of the bird-nesting season.

NATURAL ENGLAND - Natural England fully support the comments made by the Nature Conservation and Reserves Officer from TDBC dated 19 Oct.

Where the local population of a European Protected Species, in this case, lesser horseshoe bats, may be affected in a development a license must be obtained from Natural England in accordance with the Conservation of Habitats & Species Regulations 2010. Natural England requires that the local planning authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing a license. Development cannot commence until details of the mitigation strategy to protect and enhance the development for wildlife has been submitted and approved by the local planning authority.

DRAINAGE ENGINEER - I note that surface water is to be discharged to soakaways and existing watercourse according to the application form. However the FRA states that surface water from dwellings is to discharge to soakaways subject to porosity tests. Surface water from the road will discharge to an attenuation tank,

then to a pond or existing watercourse. A surface water drainage strategy must be forwarded for approval before any permission is given. Therefore an objection must be registered at this stage.

I note the amended drainage proposals following a meeting on 13th October. I have no further objections subject to the following conditions being attached to any planning permission given. Details of the proposed pond shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site (including the pond). Calculations should be provided to show the system, including the pond can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. A contribution of £1100 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £2200 for each additional 2 bed+ dwelling should be made towards children's play provision. A contribution of £885 per dwelling should also be sought towards community hall provision. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

HOUSING ENABLING MANAGER - Affordable housing to be 4 houses, mix of two-bed and three-bed. Units to be built to Code level 4.

FORWARD PLAN & REGENERATION UNIT - Planning application 30/10/0032 (residential) should be refused. It results in the loss of employment land contrary to policy EC9 and results in development beyond settlement limits, contrary to policy S7 of the Local Plan. Extending the settlement limit to include the open storage area of Tottles was not accepted by the Local Plan Inspector.

Planning application 30/10/0031 (residential and industrial) is also of concern. The proposal is to demolish existing industrial units within the settlement limit, replace this area with residential (17 units) and around 500 sq.m. industrial on land beyond the settlement limit (Tottles open storage area).

Policy EC9 of the Local Plan resists loss of employment land unless there is an overall benefit. The site of the current buildings provides local employment opportunity which the LPI (Local Plan Inquiry) Inspector found more sustainable than housing, reducing the need to commute for work. Whilst policy EC7 allows for in principle small scale employment buildings adjoining settlement limits and there may not be a net loss of employment land with their proposal as it will result in building outside the defined settlement limit, the LPI Inspector stated development beyond the settlement limit here would result in a 'discernable change, significantly impacting on the area to the detriment of the wider rural character'.

Policy EC7 also contains the caveat/criteria that development will be permitted (in principle) adjoining settlement limits 'if there is no other suitable site available'

(criteria EC7b). In this instance there is already an existing employment area within the village that could provide this function (as noted by the LPI Inspector).

One 'overall benefit' of housing development in this location that may override such concerns would be an identified local housing need. The Councils Housing Needs Register identifies only 3 households with a first choice need in Pitminster (this Parish includes Blagdon Hill and other settlements), of which 2 have a local connection. Likewise, with the abolition of RSS figures there is less of a need to meet higher 5 year housing land supply targets and early revised figures indicate that there does appear to be a current 5 year supply.

In regard to detail, I also note that parts of proposed houses, gardens and parking areas also extend beyond the settlement limit. Pitminster Parish Council objected to extending the settlement limit here at the LPI. Again, there is no justification for this proposal breaking the settlement limit other than the applicant trying to overly develop a site. On such grounds I am also wary of a precedent that approval may set. I am also wary of employment potential being curtailed by proximity to new residential properties and accessed through the residential road.

Finally, I recall in the past that there may have been issues with intensification of the access in close proximity to the road junction.

I can therefore see no policy justification for the change of use of this land. However, if there are sound and valid reasons why the policy position should be overridden or remedied, there should be no residential development before the industrial units are constructed and the residential element reduced to fully remain within the settlement limit.

POLICE ARCHITECTURAL LIAISON OFFICER - A number of comments contained in e-mail dated 9 June 2010 under the heading residential would also apply to this proposed alternative development. From a 'Designing out Crime' perspective this proposed layout is preferable to the alternative scheme.

Representations

2 Letters raising no comments.

12 letters of support (including one from 16 properties) on grounds that the development fits in with the existing properties and character of the village, it provides a complete answer for the 'developed' land, the buildings are in keeping with the local character and scale, the increase in traffic movements will be off-set by the improved junction with the main road, landscaping will ensure rural setting and protect distant views, good mix of house types, resolution of brownfield use, the access changes deliver an overall improvement to the road junction and pedestrian access and it meets the expectations of the community. It will also have less potential for noise, traffic and light pollution than the alternative. Loss of employment land outweighed by community benefit of small scale residential and affordable housing will help sustain the social and economic viability of the village, benefitting businesses and organisation in the spirit of Local Plan policy S5; it removes a source of potential nuisance to residential properties from employment uses; the improvement of Pitminster Lane is a safer configuration for traffic and pedestrians; it has the strong support of the Parish Council and Community opinion. The proposal

is within the spirit of EC9 as the overall benefits outweigh the loss of employment on site. Linked frontages and walls to Pitminster Lane are welcomed.

Also concerns over the landscaping buffer falls outside the application site and is not enforceable. A lasting surface treatment to the area at the end of the charity cottage gardens is required, as is deterrant planting between roadside and path serving plots 1-5, trees next to farm access will need permanent protection, significant fencing should be stated and levels to mound height should be shown. Reservation that lighting of the junction will be unsightly and a nuisance, the settlement boundary is breached, hawthorn tree on plot 11 should be protected, the road and plots 12-15 are set too high and should be reduced so they do not dominate the skyline, there is no commitment to materials, garages serving plots 7 & 8 should be joined, the post box is in a vulnerable position and this layout should be a maximum. A footpath from Sellicks Green Farm to the gable of Westview should be incorporated, bollards should be introduced to the lane fronting Charity Cottages to prevent a 'rat-run'. The hard surfacing between the garage court and plot 15 is regrettable and a pedestrian crossing of Honiton Road has been omitted. The scheme is suburban in character and does not reflect the character of the village or the Residential Design Guide. There should be more linked housing and less single large detached properties. The introduction of this estate would conflict with the village's existing character.

2 letters of no objection but concerns over safety of new road layout, the street lighting is alien to this unlit country parish, will exacerbate road surface flooding and ice in inclement weather.

1 objection on basis of building not where existing buildings are, building on green fields not builder's yard and lack of creative architectural design.

PLANNING POLICIES

PPS 1 SUPP - Planning and Climate Change,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS4 - Planning for Sustainable Economic Growth,
PPS7 - Sustainable Development in Rural Areas,
PPS9 - Biodiversity and Geological Conservation,
PPG13 - Transport,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC9 - TDBCLP - Loss of Employment Land,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN4 - TDBCLP - Wildlife in Buildings to be Converted or Demolished,
EN8 - TDBCLP - Trees in and around Settlements,

EN12 - TDBCLP - Landscape Character Areas,
EN34 - TDBCLP - Control of External Lighting,
H9 - TDBCLP - Affordable Housing within General Market Housing,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the compliance with Development Plan policy given the location and the loss of employment land, design, landscape impact, highway impact, affordable housing and leisure and community provision and wildlife.

Policy

The site lies on the edge of Blagdon Hill which has a defined settlement limit and the proposal provides for a residential scheme, including an affordable element. However the application site incorporates the builder's yard area which lies beyond the settlement limit and will result in the loss of employment land. The Local Plan no longer has a policy defining villages as S5 is not a saved policy. Policy EC9 seeks to retain employment land unless the overall benefit of a proposal outweighs the disadvantages of the loss of employment. In this instance the site lies outside the settlement boundary and given the rural location it is considered that the loss of employment land is not outweighed by a purely residential scheme which would be largely car reliant and increase the need to travel. While there are benefits such as a small number of affordable units and provision of a community contribution, this is not considered to outweigh the employment loss..

Design

The proposal involves the provision of 15 dwellings and these are designed as a mix of terraced, semi-detached dwellings and a detached unit to the road frontage with 6 larger detached dwellings set outside the settlement boundary and served by double garages, mostly detached. These dwellings are of a suburban form and the layout is one that is not in keeping with the character of the village. The large detached dwellings and detached garages set back from the carriageway lend a dominance to the highway and this suburban estate character is out of keeping with the village. The proposed materials are a mix of stone, render, tile and slate and this range of materials are considered to be appropriate.

Landscaping

A landscape assessment has been submitted with the scheme and the proposal includes a landscape plan which includes a mound and buffer planting to the east to mitigate the visual impact of the new dwellings. Limited landscape planting is also provided to the street frontage. This proposed planting can be controlled by condition and the Landscape Officer considers the planting scheme to reduce the impact of the buildings and garage parking. The view from the footpath to the east sees the existing dwellings on the skyline and the new dwellings will also fall against this backdrop. The landscape buffer planting proposed is considered to lessen and soften the impact to an acceptable degree.

Highways

The Highway Authority is satisfied with the principle of the altered access and junction with the main road to serve the scheme. Detailed comments are awaited at the time of writing the report, however subject to suggested conditions the principle of the works are considered acceptable. Parking provision for the site is two spaces per unit for the smaller properties, the semi-detached and terraces and a higher level of provision for the large detached properties. This level of parking is higher than the policy requirements of M4 in the Local Plan and reinforces the dominance of the highway in the layout.

Affordable Housing

The scale of development here requires an element of affordable housing under policy H9 of the Local Plan. A local needs survey has recently been completed which identifies a local need for up to 4 units and this is the level requested by the Housing Enabling Manager. The developer is currently offering 3 affordable units as part of the scheme and it is considered that this level of provision falls within the percentage requirements of policy H9. While this is one less than the need identified, given the current financial situation it is considered that a viability assessment using a residual value model is still required to substantiate the number proposed and the proposal should be subject to the detail of this being agreed.

Leisure and Community Use

The Community Development Team has identified a need supported by policy in terms of local need for play and recreation facilities and a community hall. These facilities will require a commuted sum for off site provision as this can't physically be provided on site. There is an existing play area and playing field opposite the site and therefore this is where the money would be likely to be spent. The area currently has a well provided play area for young children and identified need for a community hall, (proposed for the land opposite). Given that this would provide for replacement changing facilities for the current building on site, it is considered that the funding not required for play could be put to use for the community hall which could provide for recreation facilities. In order to achieve this the wording of any legal agreement would need to address the flexibility of any funding provision to support this.

Wildlife

The ecological survey has been carried out and submitted with the application. This has identified a number of potential species using the site and particularly bats were identified in one of the buildings to be demolished. A wildlife mitigation scheme will be required to address these issues and a condition is recommended on this basis. As part of the mitigation, provision of alternative bat roost would be required before demolition of any existing roost takes place. This has been proposed in one on the new garages on site and a condition to ensure this alternative provision would be necessary if permission were granted.

Conclusion

In summary the proposed scheme provides a residential development of 15 units on the site that extends beyond the settlement limit and utilises employment land. The main issue is whether the benefits of the scheme outweigh this loss of employment

land contrary to Local Plan policy EC9. The layout of the site away from the frontage is also suburban in form and out of character with the village character. The disbenefits of the scheme are considered to outweigh the benefits and the proposal is recommended for refusal.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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