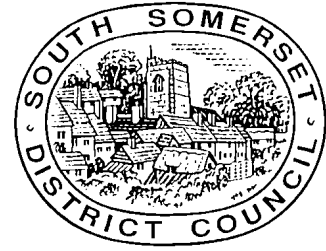


South Somerset District Council

Notice of Meeting



A Special Meeting of the Area East Committee

Making a difference where it counts

Tuesday 31st March 2015

6.30 pm

**Caryford Community Hall
Maggs Lane, Ansford, Castle Cary,
BA7 7JJ**

(disabled access is available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of the planning application will commence no earlier than 6.35pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge, Democratic Services Officer 01935 462570**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 23 March 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)



Area East Committee Membership

Nick Weeks
Mike Beech
John Calvert
Tony Capozzoli

Nick Colbert
Anna Groskop
Henry Hobhouse
Tim Inglefield

Mike Lewis
Lucy Wallace
William Wallace
Colin Winder

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs - We want a strong economy which has low unemployment and thriving businesses
- Environment - We want an attractive environment to live in with increased recycling and lower energy use
- Homes - We want decent housing for our residents that matches their income
- Health and Communities - We want communities that are healthy, self-reliant, and have individuals who are willing to help each other

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

The Planning application will be considered **at approximately 6.35pm** as shown on the planning applications schedule. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning application at the time it is considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the Public

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". Members of the public can view the council's Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area East Committee are **normally** held monthly at 9.00am on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council's website <http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions>

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant/Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area East Committee

Tuesday 31 March 2015

Agenda

Preliminary Items

1. **Apologies for absence**
2. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2112 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Tim Inglefield and William Wallace

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter

at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

3. Public Participation at Committees

a) Questions/comments from members of the public

b) Questions/comments from representatives of parish/town councils

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on any planning related questions later in the agenda, before the planning applications are considered.

4. Chairman Announcements

5. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be held at Ansford Academy, Maggs Lane, Ansford, BA7 7JJ on Wednesday 8th April 2015 at 10.00 am.

Items for Discussion

6. Schedule of Planning Applications to be Determined by Committee (Pages 1 - 2)

7. Planning Application 14/04031/OUT Land adj Foxes Run Off Brookfield and Mill Lane Castle Cary (Pages 3 - 23)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

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Agenda Item 6

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

This Planning Application will be considered no earlier than 6.35pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.15pm

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
7	CARY	14/04031/OUT	Develop land for residential purposes with up to 29 no. dwellings and the formation of vehicular access via Brookfields with a pedestrian access to Remalard Court	Land Adjacent Foxes Run Off Brookfield And Mill Lane Castle Cary	Mr & Mrs B J Cave

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the application set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 7

Officer Report on Planning Application: 14/04031/OUT

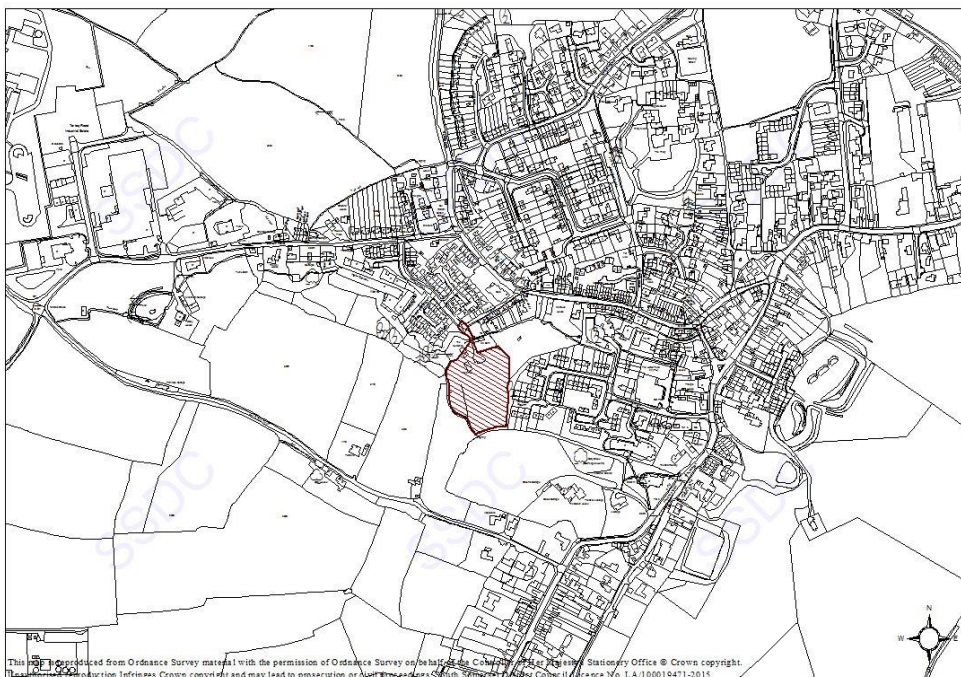
Proposal :	Develop land for residential purposes with up to 29 no. dwellings and the formation of vehicular access via Brookfields with a pedestrian access to Remalard Court (GR 363677/132257)
Site Address:	Land Adjacent Foxes Run Off Brookfield And Mill Lane Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr N Weeks Cllr H Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	5th December 2014
Applicant :	Mr & Mrs B J Cave
Agent:	Mr Tony Brimble, Wessex House, 8 High Street, Gillingham SP8 4AG
Application Type :	Major Dwellings 10 or more or site 0.5ha+

REASON FOR REFERRAL

The application has been referred to committee with the agreement of the Chair and Ward Member to allow the issues to be considered in full

SITE DESCRIPTION AND PROPOSAL

This application comprises a re-submission of an earlier refusal (ref: 08/00189/OUT), dismissed on appeal because of the scheme's failure to achieve the pedestrian linkage to Remalard Court required by Local Plan saved proposal HG/CACA/2, and that the scheme would conflict with planning policies that seek to encourage alternatives to private car use. The applicant has since sought to secure the linkage and has provided evidence from Yarlinton (the third party) to the effect that they would enter into an agreement in response to a planning permission.





The application site comprises the dwelling house and grounds thereto of the property known as Foxes Run and extends to approximately 0.984 hectares. The site was formally used as a garden nursery.

Currently Foxes Run and its immediate neighbours namely Cebees (adjacent) and Mill Barn (opposite) are accessed via a narrow culvert over the River Cary from Mill Lane, which itself spurs off Station Road and serves approximately 15 dwellings. Foxes Run and Cebees are bungalows constructed from reconstructed stone whilst Mill Barn is a single-storey conversion of a natural stone barn.

Further to the north is the residential estate, comprising Brookfields built in the 1990s. This estate is accessed via Torbay Road and at present there is no vehicular access from Brookfields to Mill Lane or indeed the application site although the road does end abruptly at the junction with Mill Lane and is blocked by railings. Mill Lane is a narrow two-way lane serving the site and Bridgwater Buildings - a terrace of cottages in the vernacular style. Residents of Bridgwater Buildings use Mill Lane for parking and turn at the western end of Mill Lane.

To the south and west of the application site is open countryside and to the east is Remalard Court, a development of sheltered housing that extends to Millbrook Gardens, and alongside this are the grounds of Millbrook House.

Foxes Run encompasses a bungalow situated at the north end of a large grassed area which slopes up steeply in places towards the southern boundary. To the south east of the site the land rises up steeply away from the boundary where Remalard Court is located, the difference in ground levels here is greater than 3 metres. All boundaries are well vegetated with established hedges and mature trees but beyond this there is no vegetation of note on the site. To the south and just outside the site are several trees subject to preservation orders. To the west running within the site is a small stream within a ditch served by springs and underground

watercourses at the southern end of the site (the highest part). There is another small watercourse on the eastern side. These discharge into the River Cary to the north.

The site adjoins the development area to the east and north. Part of the north of the site is within an area of archaeological interest. The Higher Flax Mills Conservation Area partially adjoins the northwest boundary of the site and includes Mill Lane, Bridgwater Buildings and Millbrook House. The site is a housing allocation (HG/CACA/2) saved in the South Somerset Local Plan 2006-28.

The proposal, in outline, seeks to demolish the property known as Foxes Run and develop the wider site for residential purposes with pedestrian and vehicular access off Brookfields, which would also see Mill Lane become one-way. The only matter not reserved for later approval is the means of access although an indicative layout has been provided to show how the site may be developed with twenty-nine 2, 3 and 4 bedroom dwelling houses. Although the submitted layout is purely indicative it does show a series of two-storey terraces echoing the character of Bridgwater Buildings and that of the town centre. Materials may include a simple palette of natural stone, brick with stone detailing under tiled roofs. A pedestrian link is proposed over third party land at Remalard Court.

In detail the current vehicular blockade at Brookfields will be removed and the road with pavements continued formally over the River Cary and into the application site. Mill Lane would become a one-way street preventing access to Station Road and engineered as not to provide a rat-run to the application site from Station Road but direct cars to Torbay Road through Brookfields. Vehicular access to and from the application site will be solely from Brookfields. The access road will be located between the front elevations of Cebees and Mill Barn and has been designed with a priority based pinch point to ensure the road is as far away from those properties as is possible.

The application is supported by a Design and Access Statement, Environmental Noise Assessment, Flood Risk Assessment, Baseline Ecological Assessment, the proposed Deed of Easement (to gain access via Remalard Court), and subsequent correspondence from Yarlington to indicate that they are willing to enter into agreement upon planning permission being given. The proposal has also been subject to 'viability' testing by the District Valuer in relation to the impact of planning obligations namely, leisure and housing that were previously sought. This does not consider the implications of the education contribution that was received following consultation, nor specifically names the Yarlington Housing Group contribution, although the previous committee report acknowledged the need to contribute a financial sum towards the link that is currently sought.

The proposal was amended to include the extension of the red outline to link with the public highway adjacent to Ramalard Court.

RELEVANT HISTORY

14/04795/EIASS (EIA Screening and Scoping Request) - Develop land for residential purposes with up to 29(no.) dwellings and the formation of vehicular and pedestrian access via Brookfields, including pedestrian access to Remalard Court. EIA not required.

08/00189/OUT - Formation of vehicular and pedestrian access off Brookfields and the development of land for residential purposed - Refused, and Appeal Dismissed 5.12.2013.

Mill Barn:

- 951382: Alterations erection of extension, conversion of barn into single storey dwelling and erection of garage: Approved: 26.07.1995

- 942154: The extension and conversion of barn into a single storey dwelling:
Approved: 10.11.1994

Cebees and Foxes Run:

- 780143: Reserved Matters - Erection of 2 detached bungalows: Approved:
08.03.1978
- 770798: Outline - Erection of 2 detached bungalows: Approved: 20.10.1977

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be 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

SS5 Delivering New Housing Growth

SS6 Infrastructure Delivery

TA5 Transport Impact of New Development

TA6 Parking Standards

HW1 Provision of community facilities

EQ2 General Development

EQ3 Historic Environment

EQ4 Biodiversity

EQ5 Green Infrastructure

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted September 2012.

CONSULTATIONS

Castle Cary Town Council:

Original response:

Councillors have serious concerns about access, increased traffic flow, parking and road safety in the immediate area. There would be a detrimental effect on the lives of people living in Mill Lane, Brookfields and Torbay Road, there is no capacity here to deal with the increased traffic flow.

Any building on the Foxes Run site needs to be re-thought, the site, because of the access issues, is only suitable for a much smaller number of houses.

The town council specifically request that, as required under European Legislation, the SSDC Planners ensure that when considering this application they take into account the cumulative environmental effect of the multiple applications in Castle Cary and Ansford at this time and those pending.

It is noted that only 8 of the 29 houses are orientated in such a way as to make photo-voltaics on the roof viable. Changes in legislation may mean that this lack of provision could be brought into question.

The site is situated in the most sensitive part of Castle Cary historically and archeologically and there is evidence of pre-Roman occupation in this area. The appearance and layout of the site suggests it could well have been used in Anglo Saxon times as an open air meeting place or Moot. An archaeological survey would be very appropriate to ensure protection of this potentially historical site.

Response to amended plans:

Councillors felt that the footpath was part of a development they were not in favour of and could not therefore support the amendment.

County Highways:

The Highway Authority provided comments on the current application site; under planning application 08/00189/OUT, to which a response was provided to the LPA on 6.02.2008.

It is noted that the officer dealing with the application acting on behalf of the Highway Authority made subsequent responses to clarify that the Highway Authority did not consider that proposed development would result in any detrimental highway safety issues.

The subsequent appeal (APP/R3325/A/13/2200209) against the LPA's refusal was Dismissed at which time the Inspector indicated the key issues associated with the scheme were:

- (a) the effects of the proposed access arrangements on the living conditions of nearby residents; and
- (b) whether the scheme would accord with development plan policies that seek to encourage alternatives to private car use.

In response to the current outline planning application I have the following:

Vehicular access to the development site is to be obtained via Brookfields, an existing housing estate which is an unclassified highway to which a 30mph speed limit applies. Access to the wider highway network is obtained via the junction with Torbay Road.

Brookfields is provided with pedestrian footway and street lighting on either side of the existing carriageway. It was noted at the time of my site visit that numerous vehicles were parked on the adopted carriageway in this location reducing carriageway width. It is considered that design guidance from MfS (Manual for Streets, March 2007) is applicable in this location.

It is also noted an unclassified highway known as Mill Lane/Bridgwater Buildings which is vehicular access to a number of residential properties is to undergo a traffic regulation order resulting in a one-way system linking Station Road (B3152, class 2 highway) to Brookfields.

Having consulted Planweb 3.5.5, I can confirm that there have been no recorded Personal Injury Accidents (PIA's) within the last five years in proximity to the development site (existing highway network).

The current planning application 14/04031/OUT details no change in terms of the proposed vehicular access arrangements to the residential development compared to that of

08/00189/OUT and therefore the Highway Authority maintain this view. It is noted that a pedestrian footway link has now been provided connecting to Remalard Court/ Millbrook Gardens located in the south east corner of the development site; although there are concerns over its gradient and suitability for adoption.

As a result, the Highway Authority maintains the view of previous recommendations in connection with the development site and raises no objection to the proposal subject to conditions and the securing by Section 106 agreement for the access works including the Traffic Regulation Order (TRO).

SSDC Conservation Officer:

I note that all matters are to be reserved although there has been extensive discussion about the layout with the previous application several years ago and the presently indicative scheme seems to reflect those negotiations.

The only comments I would make at this point are

1. The setting of the conservation area need not be adversely affected by development on this land.
2. I would expect special care over the design of the highway infrastructure on the site access which passes through the conservation area at the junction with Mill Lane to ensure the character is preserved.
3. In urban design terms the most direct and legible connection to a foot/cycle route to the town centre via Remalard Court is needed.

SSDC Landscape Architect:

There is no issue with the principle of development on this site, and noting this to be an outline application, in terms of an outline consent there is little more to say other than to flag-up the need to condition for a tree constraints plan; boundary tree and shrub protection; and a detailed landscape proposal, should you be minded to approve this application. However, I note that a sketch plan (revision XI) is offered indicating a potential layout, which illustrates 29 units. Concerns remain:

1) Much of the site's interest comes from the trees and shrubs in its bounding margins. Whilst (as far as I can ascertain) most of this vegetation is off site, there are margins of scrub amongst which are decent hedge and small tree species. This vegetation, which defines and contains the site, should be retained where found to be in good health, and all bounding species should also be evaluated, to ensure they are not jeopardised by future ground works. To that end, a tree constraints plan should first be provided, after which a layout can be evolved. My suspicion is that a constraints plan may require a revision of the latest layout, resulting in a need to lessen units.

2) There remains a perception that too many units are shoe-horned into the site. Whilst the general layout is improved, and spatially has greater coherence, I note unacceptably small gardens indicated for units 2-4, 9-11, 22 and arguably 27 given the scale of the house. In accommodating parking standards, the layout is now car dominated, particularly to the west side of the site. Returning again to the point above, I view development form to be pushed too close to the boundary to allow for an organic development, especially cognisant of the variation of levels across the site

High density housing, parking court areas, and sloping ground do not facilitate comfortable layouts. If designed to 30 dwellings per hectare, this site would realise 25/26 dwellings, and this amount should enable a coherent, well-organised development without the sense of being cramped and car-dominated. Consequently, whilst there is no landscape objection to the principle of development, I would advise that any consent is not tied to the layout currently before us.

SSDC Community Leisure Officer:

I note from the applicant's covering letter that they are saying that there is a cost of £26,250 that also has to be paid to YHG out of this £127,036 so I believe that leaves CHL with £100,786.

If this is the case, then we would propose losing the strategic contributions (which total £22,880), with the contribution of £100,786 being spent on the provision of one or more of the following facilities in Castle Cary/ Ansford: equipped play areas, youth facilities, playing pitches, changing rooms or community halls.

County Education:

Circumstances have changed since the previous application when contributions were not sought. Contributions required are calculated as follows:

30 places per 150 dwellings

29 dwellings/ 150 x 30 = 6

£12,257 per place

6 x 12,257 = £73,542

Somerset Wildlife Trust:

There should be a requirement to provide bat and bird boxes, a stipulation that all planting on site should be of native species, rich flowers, fruits and nuts for the benefit of wildlife, and that all external lighting should be of low light pollution, and other similar comments made.

SSDC Ecologist:

Badger setts, including a main sett, are present on adjacent land to both the east and west. Earlier surveys concluded it was important to maintain an east-west corridor across the site for badgers. The main sett is (or was) in close proximity to this site.

It's unlikely that badgers would represent a significant constraint to development of this site. However, consideration will need to be given to both the welfare of badgers, and to the risk of future householders of the new development suffering significant disturbance from badgers.

I recommend a condition requiring an update badger survey and mitigation measures accompany any full or reserved matters application.

SSDC Policy Planner:

This proposal seeks outline planning permission for the erection of 29 dwellings on housing allocation land. The proposal HG/CACA/2 in the previous local plan allocates land for residential development and shown in the Ansford/Castle Cary inset map and listed as being saved in Appendix 2 and subject to the following criteria:

- In the region of 30 dwellings
- Allocation phased post 2007
- 35% affordable housing
- Vehicular access from Remalard Court
- Pedestrian & cycle access from Remalard Court & Brookfields/ Bridgwater Buildings
- Retention of perimeter hedges

As you are already aware the presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (NPPF). Paragraph 14 states that for decision taking means this means approving development that accord with the development plan without delay; this proposal should be considered in the light of that guidance.

County Archaeologist:

The site lies adjacent to an Area of High Archaeological Potential as defined by the Retained Local Plan Policy; a semi-circular feature is apparent on aerial photographs, and Iron Age pottery has been found nearby. Therefore the proposal has the potential to impact on a heritage asset. (OFFICER Note: Their response of the 17 December 2015 requires attachment of a model 55 condition to deal with the archaeology.)

Crime Prevention Design Adviser:

I have a number of concerns regarding rear access paths to gardens, also rear parking courts are quite large and none have suitable surveillance. (OFFICER Note: Such detailed comments can be considered as part of Reserved Matters)

Wessex Water:

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

Connection to the public foul sewerage system will be subject to application and agreement. Connection to the public water supply system will be subject to application and agreement. Any buildings above two storeys will require boosted on site storage.

It is noted that the Flood Risk Assessment submitted with the application dates from 2006 and does not appear to have been updated.

There is an existing public surface water sewer which discharges to the watercourse on the northern boundary of the site. There must be no building within 3 metres of this existing sewer and no tree planting within 6 metres. Any alterations in cover over this sewer must be agreed with Wessex Water. Surface water connection to the northern watercourse or the watercourse on the western boundary will need to be assessed and considered by your Authority.

SSDC Housing:

In relation to 29 dwellings, 35% equates to 10 dwellings of which at least two thirds affordable being made under the social rent regime.

The desired mix on the assumed reduced provision based on the District Valuer assessment should be 4x 2beds and 1x 3bed. Four to be for social rent and one for shared ownership.

SSDC Climate Mitigation Officer:

I note that the application relates to layout and access only.

For the planning application, the council does not require a Renewable Energy Statement. However, as this will be required for Building Control prior to construction starting, developers may consider it in their best interests to submit the document at the same time as their planning application. This will enable the planning application to progress more quickly and avoid the need for variations or even a further application at a later date to meet the building regulations from the outset. i.e. changes to site layout to facilitate solar energy. Mention could be made within the Design and Access Statement and some technologies could be detailed in the drawings.

Detail on the precise equipment proposed could be presented at the reserved matters stage when I presume an energy statement would be provided. However, minor changes to site layout at this stage would give confidence that any solar technologies installed would be efficient.

REPRESENTATIONS

There were 36 household responses received to the original Neighbour Notification. Of these

four responses (as well as a petition of seven signatures) support the proposal; one makes 'general observations', and 31 households have objected.

Those supporting the proposal conclude:

- This development will create a safer walk to town
- More homes equal more new customers shopping in the town
- It is difficult to find a suitable and affordable house
- I work in Castle Cary but live in Wincanton. I would prefer to walk instead of driving.

The 'general observations' response state:

'At the moment we walk up and down Mill Lane and the increased traffic down Mill Lane would be devastating to us. However we would use a new public footpath into Remalard Court.' This goes on to the request alterations to the wider highway network.

The letters of objection include:

- Most of the road (Millbrook/ Remalard Court) is a sheltered housing scheme. The proposal may increase anxiety in vulnerable residents, by the busier pavements making movement about the scheme more difficult for elderly users. Also, concern about use of the way through from the town late at night when people may be returning from pubs and other nights out.
- This application differs from that submitted in 2008 only in that it adds a footpath into Remalard Court. The gradient in the vicinity of the proposed footpath is such that it is unlikely to be used by anyone other than children walking to and from school.
- Will people want to take this long (Remalard) route up a very steep footpath, pushing buggies etc?
- I am rather alarmed by the size of development given that the access is so problematic and sub-standard.
- Significantly increase the flow of traffic imposing increased risk and safety issues for the residents of Bridgewater Building.
- Mill Lane is a very narrow road already used for residents to park. The increase in traffic flow and one way system proposed would be detrimental and potentially dangerous, having an adverse effect on young children and their families
- Changing Mill Lane from cul de sac only serving a handful of homes in to a one-way street presents numerous issues that have been previously raised and remain unresolved.
- Unsuitable for increased traffic and Mill Lane is also used by pedestrians this would be very dangerous
- The appeal inspector (APP/R3325/A/13/2200209) states that the increase in traffic would be 'unlikely' to harm or cause disturbance to nearby residents; one can only assume that they overlooked the cul de sac and the security of this dead end. Mill lane is extremely narrow and with a pedestrian presence continuing, as a one way rat-run it will be extremely hazardous
- All existing residents (Mill Lane) understand that the road is narrow and that people may be walking, or getting in or out of parked cars. Everyone co-operates by using the limited space considerately.
- Turning Mill Lane into a one way road for the use of many vehicles is ludicrous
- Removal of the turning space near the newly erected barriers at the bottom of Mill Lane, would reduce the options for parking.
- The application implies that the only obstacle to permission being granted is the provision of a footpath linking to Remalard Court, this fails to acknowledge any of the serious concerns previously and repeatedly expressed by residents, the increase in traffic, and impact on residential amenity.
- Too many houses shoehorned into the development
- Use of yet another greenfield site when several brownfield sites remain available is

contrary to planning policy

- A huge increase in traffic results in noise, pollution and disruption
- The noise assessment submitted by the applicants does not assess the noise impact within Brookfields.
- Flood risk assessment has not been up-dated
- Minimum disruption to the residents of Brookfields?

Amended Plans:

Following receipt of Amended Plans there have been received 13 household responses received that object, one includes a 'general observation', although this is taken as an objection, and two petitions of 69 and 68 signatures, respectively.

The objections include:

- A large part of Millbrook Gardens is housing for elderly and/ or disabled people, some designated as sheltered accommodation. Many residents are vulnerable people worried that the increase of pedestrian access will threaten their feeling of security on the pavements.
- Brookfield's density is nearly doubled from the original 40 houses to 73, it is little wonder there is already concern for traffic capacity, lack of play facilities and parking spaces.
- It is clear that the Appeal Inspector (APP/R3325/A/13/2200209) had insufficient evidence to properly assess the traffic impact, and no discussion of the implications for the Torbay - Station Road junction. He had no idea that at one point the width of Mill Lane is only 3900mm.
- (Remalard access) One wonders how this steep slope is going to be managed to be attractive to walkers - particularly mothers with pushchairs, children with scooters etc.
- This footpath (Remalard access) strikes me as more of a cosmetic change to satisfy planning requirements than a viable and attractive alternative to walking up Mill Lane or using the car. The effort to negotiate such an incline for the elderly and pram/ wheel chair users would certainly make it unattractive and probably unachievable (see letter Brimble Lea dated 20.01.2008).
- If an access at Remalard Court cannot be achieved then it cannot be assumed that an access can be created at Brookfields just because it is there.
- Appeal Inspector (APP/R3325/A/13/2200209) (page 4 para.21) - The dismissal gave weight to the missing footpath link and then appraised the alternative route via Mill Lane, for Foxes Run residents (which was considered to be less direct and not a particularly attractive route into town). Contrary for existing residents this is the direct route into town and that this little lane is attractive to its residents, who appreciate its safe, quiet charm.
- The Appeal Inspector (APP/R3325/A/13/2200209) disturbingly makes no mention of the ramifications for pedestrian safety in Mill Lane, even though the Inspector acknowledged that Mill Lane would be used by through traffic, had no defined footway and on street parking.
- There are many pedestrians who walk into town via this route from the local industrial estate, Torbay Road residents and beyond. For our very local residents there is no alternative but to walk in this lane. Not everyone is willing or able to drive. Pedestrians will face a big increase in oncoming traffic
- We believe that the inspectorate needs proper evidence, perhaps winter evenings or weekends, when every space is filled, and the overspill has moved to Brookfields or Station Road.
- We find it unacceptable that the Inspectorate appear to think that the planned new one way system will not materially affect residents.
- Cars presently enter Mill Lane with caution, with no approaching traffic coming up the hill vehicles could speed down. It's nonsense that the lane would only be used by

occupants of Bridgewater Buildings. The Appeal Inspector (APP/R3325/A/13/2200209) says that Mill Lane 'probably' wouldn't become a 'rat run' and we all believe that it will.

- Mill Lane need not even be involved in this project if the parking spaces originally promised but then forgotten on the eastern edge of Brookfield at the bottom of Mill Lane are reinstated and used as a turning area.
- Mill Lane is too narrow. The 2003 Planning Inspector deemed this lane unachievable for development access so why is it being manipulated now to accommodate Foxes Run
- The proposed junction of Mill Lane and Brookfields will be chaotic because people will inevitably try to access Foxes Run either by driving over the curb or turning when on Brookfields Road.
- Departure from the local plan - weight should now be given to this mandatory obligation which remains an intrinsic part of the National Planning Policy Framework.
- The application should be considered in parallel with the other housing applications received to judge the cumulative impact. If all were approved this would mean as at 2015 the provision anticipated by 2028 (13 years early) would have been exceeded by 210 houses.
- A cumulative EIA must be conducted to understand the total impact on local roads, services and character of the town and its environment.
- The Appeal Decision (APP/R3325/A/13/2200209) states that the Council is not able to demonstrate a five year supply of deliverable housing sites. This situation has now changed.
- Increase in air pollution for the residents of Bridgewater Buildings
- Lack of consideration for nature conservation and the environment
- Flood Risk Assessment was carried out in April 2006 and should be up-dated.

CONSIDERATIONS

Principle of Development:

The starting point must be the appeal decision (14 November 2013) that is a material consideration and was supportive of the proposal, but turned on the lack of a pedestrian access via Remalard Court (this is one element of the policy proposal HG/CACA/2 saved and carried over to the new local plan) and the NPPF that encourages alternatives to private car use that resulted in the appeal's dismissal. The applicant has since provided, as part of the current application, sufficient information to the effect the footpath link would form part of their scheme. This can be conditioned to be provided as part of the approved development. Likewise, the Traffic Regulations Order required for works to Brookfields and the one way system envisaged for Mill Lane can be dealt with by condition to be provided as part of an approved scheme.

Other material considerations include the adoption (5.03.2015) by the Council of the South Somerset Local Plan (2006- 2028). Also, contrary to the agent's claim, the council can demonstrate a five year supply of deliverable housing land incorporating a 20% buffer, as shown by the Gold Well Farm, Crewkerne appeal decision dated 4 November 2014, ref: APP/R3325/A/13/2210545, and on this basis the emphasis given to NPPF para.49 is not engaged. It should be noted that the application was advertised as a 'departure from the local plan', given the lack of a vehicular access from Remalard Court. Notwithstanding, the site is a housing allocation site that is carried forward in the local plan. The principle of development is therefore accepted.

Background:

Highway matters have been central to the site's development over a long time frame. The vehicular difficulties via Remalard Court are not disputed and stem from continuing objection

by the Highway Authority to the physical conditions encountered by the significant change in land levels and off site, the sequence of right angle bends and the level of on-street parking via Millbrook Gardens. The purpose built sheltered housing is another reason why this access is unsuited to the level of vehicular traffic envisaged, although it is also noted that the access concerns, in part, arise because of the proposed number of dwellings, as was observed by the 2003 local plans inspector in considering the site's inclusion as an allocated site.

The 2013 Appeal Inspector did not have reason to consider safety further; given the Highway Authority's response that confirmed their unchanging observations and the LPA's acceptance of this. On receipt of the Inspector's appeal decision (5 December 2013) there was significant local concern that the safety and amenity aspects of the proposal have not ever been fully appraised. Para.21 of the inspector's decision where this describes the Mill Lane to town centre link, opines the route to be convoluted (that is disputed) and not particularly attractive to pedestrians (local residents are unhappy that the safety and amenity of users and occupants of Bridgewater Building was not better reflected in such remarks). The comment only underscores the community's concern that there are seriously unaddressed ramifications in what is perceived to be the 'shoehorning' of Mill Lane into the scheme.

Following receipt of the Inspector's 2013 appeal decision local residents were concerned sufficiently to have written to the Inspectorate whose response (5 February 2014) states: 'Inspectors are appointed to reach their own independent conclusions based upon their consideration of all relevant evidence before them...'. Local residents argue that the access concerns being more extensive than is evidently concluded by the 2013 inspector's decision, and what with the lack of proper engagement by County Highways over a long period (whose unchanging stance is reiterated in their email of the 1 March 2012), that appears uncritically brought forward to the current application. Such concern, it is argued, requires closer attention.

The previous planning report separated out the issues of 'vehicular' and 'pedestrian' access, whereas the current report tackles impact, respectively, in terms of the Remalard versus Mill Lane town centre links.

Remalard Court link:

Much weight is attached to the provision of an access at this point, as part of the wider policy objectives that provide for a network of pedestrian routes that encourage reduced dependency on the motor car, and because, in considering this application, this is the only opportunity to secure an addition towards enhanced permeability, notwithstanding that its usefulness for existing residents within the Brookfields locality as part of the current application is questioned.

The proposed link clearly supports the current housing scheme, and would be of use to future occupants of that scheme offering a choice to the car with a more direct route into the town centre. There are clearly difficulties encountered by the significant change in levels that is an impediment to its use. The Highway Authority previously noted that vehicular access was undesirably steep because of an access at 1 in 10.45 that would be set on a very considerable embankment of up to 3.7m. The applicant's letter of 21.01.2008 also described this route as a pedestrian link as not a practical alternative for the disabled that would include motorised buggies, wheelchairs, buggies and push chairs as well as a large number of pedestrians who are not encouraged to use Remalard because this route would be a less than attractive alternative route to town for many existing residents, in contrast to the existing 'short cut' (Mill Lane). Perhaps tantalisingly the County Highway Authority's latest response to this application (page 2, 8th paragraph) in considering the Remalard link notes provision of the footpath but concludes: 'although there are concerns over its gradient and suitability for adoption'. This does not seek to develop the observation, only to conclude by repeating the Highway Authority's long standing 'no objection' that appears to the local community does not engage

with the local concerns that have been expressed over time. Neither does the response refer to the substandard Mill Lane, the possible continuing presence of pedestrians and conflict by introducing vehicles, especially given the requirement for engineering specifically designed to avoid Mill Lane as a 'rat run' for future residents of the proposed scheme.

Notwithstanding that Remalard is the more direct pedestrian route to the Primary School and south of this part of town, the fact remains that for the town centre this is the longer route for all existing residents who in conjunction with the much more severe land level changes (in comparison to Mill Lane, itself less than ideal) has the more limited appeal being that much less convenient as an alternative contrary to how matters were seemingly viewed by the 2013 appeal inspector.

Measured from the railings in Brookfields, at the bottom of Mill Lane, to the Horse Pond is 579m (via Remalard) versus 438m (via Mill Lane). The distance to the Market House is measured 756m (Remalard via Fore Street) versus 495m (Mill Lane via Woodcock Street). The Remalard measurements should be anticipated would be longer still because the above figures do not allow for a more circuitous route through the application site to address the effect of gradient change.

Turning to the gradient differences identified in the survey drawing submitted with the application; this provides a rough and ready appreciation of the differences over the course of each route. Taking a short 20 length that exhibits the greatest change in levels Mill Lane changes by 1.8m and in approaching Remalard Court there is a change of 2.9m that suggests a significant difference between routes and one in combination with distance should question the view taken by the 2013 appeal inspector who appears saw Remalard the natural alternative that would draw pedestrians away from, to quote, the: 'considerably less direct' route of Mill Lane (including Station Road) to town that 'would be convoluted and not particularly attractive to pedestrians'. This view is contested below.

Apart from the policy objective to open up a choice of pedestrian routes the Remalard link is used to support the more contentious change in status made to Mill Lane, seeing the diversion of footfall via Remalard, off-setting the potentially greater use made by vehicular traffic in Mill Lane. As stated above, Remalard is not necessarily the straightforward swap that the previous appeal decision might have thought. On the one hand there is scope to see some movement to Remalard given that the school is less distant but for almost every other journey Remalard, for all existing residents is the longer walk and, arguably, the least easy route to the town's centre.

Mill Lane Access:

Mill Lane's physical constraints act to limit the potential increase in its use by vehicular traffic. There are obvious deterrents to using Mill Lane, such as the lack of driver's forward vision before entering Mill Lane, combined with the known potential blockages of the lane by delivery and other vehicles off-loading goods. Mill Lane's character: its narrowness, exacerbated by the on-street parking that further acts to narrow the passing gaps in this narrow substandard width lane is argued encourages greater care to be taken by most motorists producing slowed traffic and would be sufficient to make many motorists question their use of Mill Lane as a short, alternative 'rat run'. However, the observation is based on the existing circumstances of Mill Lane as a cul-de-sac, and as a through route despite its narrowness its status would have changed as would the way in which motorists perceive its use. The 2013 appeal inspector comments in para.15 of their decision that: 'the Council considers that traffic flows in Mill Lane would increase' and that 'This is disputed by the appellant'. The appeal inspector (2013) also says: 'What is presently a cul-de-sac would become a one way through road... Whether these arrangements would result in a net increase or decrease is unclear.'

The proposed scheme is said would give rise to 5 vehicle movements per day per dwelling,

and while mindful of the constraints identified above for Mill Lane there is the potentially significant increase in vehicular movements for Mill Lane that becomes accessible to over 80 additional dwellings. The agent's argument at the time of the previous application acknowledged the opportunity made of Mill Lane to enter Brookfields that would be introduced, but that such movements would be discouraged, adding: 'to some extent' for reasons already referred to above. The physical constraints might not make for a busy route, while the loss of two way traffic allows for the doubling of the one way traffic movements without increase in traffic numbers; an increase in traffic volume is anticipated, but it is difficult to accept a 50% increase in movements as previously set out by the applicant. The same evidence for traffic movements from the proposed development can be used as easily for the existing properties albeit modified that offers a starting point that suggests a greater use. That there would be the potential for the worse that sees a change in the use of Mill Lane is underscored by the proposed engineering works that seek to prevent future residents (actually, only a small percentage of the potential use) from turning left at the bottom of Mill Lane. The physical constraints make it all but impossible to improve Mill Lane, but neither is the alternative pedestrian access the natural alternative the 2013 appeal decision considered it to be with a greater level of use being maintained by pedestrians in Mill Lane.

In the event of a lack of parked vehicles along Mill Lane, and at times this would be more evident, this would result in potentially faster traffic. Conversely parked cars equal slowed traffic, but the back to back parking can also expose pedestrians, limiting the safe refuges and in particular mothers and buggies would have fewer opportunities of securing a safe refuge as would other pedestrians who are more limited in their movements. Such concerns need to be stressed as there is no alternative in Mill Lane to using the road surface, with a lack of pavement that in any case cannot be provided if on-street parking continues, along with poor street lighting, when, it is argued, there would be a largely maintained pedestrian footfall versus the newly introduced one way vehicular traffic whose change in its nature affects a potential 'rat run', in contrast to its current character as a quiet backwater, where vehicle manoeuvring, unloading cars and the general access issues currently enjoyed where there is a finite small number of dwellings involved is greatly impinged in displacing the cul-de-sac. As a small community of occupants sharing the lane with pedestrian footfall the occupant motorists will be that much more aware of the constraints, and act accordingly.

A benefit of making Mill Lane one way is that this removes its sub-standard junction with Station Road that currently leaves motorists exiting Mill Lane with poor visibility towards on-coming traffic from the direction of the town centre. However, local motorists are well aware of the difficulties; tend to be familiar and act accordingly, as is suggested by the Highway Authority's response that no traffic accidents are recorded for the location. It is argued by local residents that there is much greater harm for immediate occupants faced by a more circuitous and inconvenient vehicular route back into town. There is also the wider loss of amenity for occupants of the immediate dwellings who would have to cope with the greater use made of Mill Lane that would affect their convenience and thus amenity in accessing their homes and vehicles.

It stands to reason that footfall, for the reasons set out in this report means that pedestrians would continue to negotiate Mill Lane, but with increased conflict from its use as a through road. There is a choice of continuous pavements into town on both sides of Station Road that are accessible from Mill Lane, the side of the road leading on from Mill Lane whilst not itself ideal, is the direct, shortest, and most convenient route into town. Across the road the pavement is wider and provides a safe and convenient route for prams and buggies. Local residents have observed that this has been the situation for decades and pedestrians readily give way to the elderly and young children that is part of the community spirit that makes for a safer environment. With a designated footpath now in place linking Station Road and the Millbrook Medical Centre, this affirms Mill Lane's importance as a continuing pedestrian route.

From a local perspective the Highway Authority's response (5.12.14) is disappointing simply because it has not engaged over time local concerns that Mill Lane serves as a busy pedestrian short cut. Notwithstanding the proposed changes, there must be a significant concern that for a number of reasons pedestrian footfall would continue largely unabated simply because of the alternative route's lack of attractiveness, with the result that greater conflict arises with the additional vehicular use from the one way traffic now eligible to use Mill Lane.

There remains the possibility that pedestrians are 'forced' away from Mill Lane simply because of conflict with the traffic movements. Of course this is possible; it is also possible that until such time as there was an accident or near scares, pedestrians would persist in the more straightforward route. Surely, it is argued by local residents, the conflict should be removed from pedestrians rather than pedestrians removed from the conflict stated to prove that the disadvantages outweigh the advantages.

Design, Density and Impact on Residential Amenity:

Despite the layout and final number of dwellings being reserved for later approval, attention has been paid to the density, layout and parking provision that a future development would require in ascertaining that approx. 29 dwellings could be provided and this was accepted by the 2013 Inspector.

Impact on the Conservation Area:

The comments of the Conservation Manager are noted. It is considered an acceptable detailed scheme can be drawn up as part of an application for reserved matters.

As an extension of the Brookfields estate road with its standard highway layout and furniture a scheme would not look out of character, with limited views into this particular patch from the wider Conservation Area and views from this particular area are limited with no demonstrable harm resulting to warrant refusing the application that was accepted by the 2013 appeal inspector.

Drainage:

Even though the site and surrounding area is shown in Flood Zone 1 and so not at risk from fluvial flooding by the River Cary, the application is supported, albeit dated, by a Flood Risk Assessment and Drainage Strategy. A condition can be imposed to secure a land drainage scheme as part of the application for reserved matters.

Play Provision:

The current indicative plan shows no equipped play area, although such could be provided at the reserved matters stage. The SSDC Community, Health and Leisure service have allowed for the contribution by the applicant towards the parking rearrangements on the YHG that permits the footpath link. The leisure contribution figures are based on the indicative number of 29 dwellings.

Ecology:

The application has been supported by a baseline ecological assessment. No significant issues are identified and general advice is given. A badger sett is present in the southernmost corner of the Millbrook House site where it adjoins the eastern edge of the application site. This means badgers cross the application site on a regular basis. The Council's Ecologist also observed badger sett evident to the west of the site. A condition requiring further detail and mitigation measures can be considered at the reserved matters stage.

Town Council and Neighbour Concerns:

The comments received are considered within the relevant sections of the officer report. `As an outline detailed considerations fall to the application for reserved matters.

Objectors have referred to the possible use as a community asset of the Constitutional Club that by implication would apply even more pressure on Mill Lane. Notwithstanding, the current position must be that what 'might be' attracts little weight.

The site is within an area of archaeological interest and as such the County Archaeologist has advised that a standard condition for a scheme outlining site monitoring be imposed.

An Environmental Impact Assessment considered the site and at the same time, other housing locations in Ansford/ Castle Cary were considered to understand cumulative impact that is not considered an issue related to this particular application.

Planning Obligations and Viability:

The applicant submitted a revised (following the last appeal) District Valuer's viability appraisal. This reviews the Community, Health and Leisure, and Housing contributions. This shows that the scheme could continue to provide 4 social rented units, 1 shared ownership unit, equal to 17.24% (35% affordable housing requirement) together with s106 contributions totalling £127,036. Of this Yarlinton Homes requested £26,250 to enable the link, as was considered by the earlier committee report. That report was reluctant to see contributions reduced further, however it was considered that the link was a priority and this was the only time to secure the link. This leaves the SSDC Community, Health and Leisure contribution at £100,786. The revised figures are suggested as part of the planning obligation heads of terms. It is suggested that given the application is in outline that an overage clause is included within the planning obligation that would reappraise the viability of the scheme once the details are known.

A change since the last application is the financial contribution request towards school places, sought by the Local Education Authority. This is not considered by the District Valuer whose report was received with the application, and on request that this be given further consideration by the District Valuer the applicant advised that 'We cannot have an indefinite, rolling process of viability re-appraisal. If anything the viability situation has worsened due to escalating site preparations and construction costs and so I would expect another review to produce a lower planning contribution sum.'

It seems reasonable that there would be no additional sums of money and that the Education Officer's request would need to come from the sums already allocated. The applicant's representative suggests that the request does not fairly relate to the application as it should stand on its own merits, rather than form part of several other requests. In fact these were considered responses in considering each site's individual merits. It is noted that the previous application attracted a contribution but that this was subsequently removed by the Education Officer. That was then, and times have moved on and in response the Education Officer confirms their requirement and advised that they were required to be consistent and that 'circumstances have changed since the previous application'. Members may therefore want to consider whether the leisure contribution should be shared with Education. Equally, whether the reduction in benefits and the resulting pressures on services, especially given the previous concerns that were expressed by the planning officer over the reduced contributions at the time; whether this subsequent reduction undermines the community's interest in supporting the application.

Planning Balancing Exercise:

There would be 5 affordable homes, £100,786 towards leisure contributions, or else divided up with Education, and a payment of £26,250 to the Yarlinton Housing Group in consideration for the footpath link Easement the Council require.

Weight needs to be attached to the reduced contributions and the inevitable pressures; weight

needs to be put on the 2003 inspector's comments about access and possible reduction in housing numbers; and weight needs to be attached to the Appeal Inspector's views about perceived impact on the use of Mill Lane that appears to have relied on the presence of an alternative being a more accessible route (Remalard) that would act to draw footfall away from Mill Lane that would be in direct conflict with the additional vehicular movements.

Para 56 of the NPPF reiterates the Government view that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making place better for people.' The pressures on Mill Lane from the proposed development must bring the quality of the whole scheme into some doubt in that it relies on this substandard lane, while not alleviating existing pressures.

There is a problem in that the Highway Authority has not objected to the proposal on highway safety grounds. Their recommendation remains unaltered despite local concerns. Of course, while there are reasons why traffic using Mill Lane would slow, Mill Lane's existing character clearly would be changed in becoming a vehicular through road. It's a difficult argument that accepts one is able to take the existing situation and transfer this more or less direct to a new arrangement, without potentially significant repercussions.

There is no reason why footfall would choose to access the town centre by a different route, unless, of course, it was perceived personal safety to be affected that is most likely following a bad experience. Mill Lane is substandard and will remain substandard. The only change is that increased use is inevitable and for the reasons set out elsewhere it is reasonable to assume that pedestrian use is largely maintained in Mill Lane. It is this appreciation that appears missing from the way in which the issues have been considered by Highways and without this there is, rightly, concern, with the less than satisfactory appeal outcome.

Para.69 of the NPPF says planning decisions should aim to achieve places that are safe and accessible containing clear and legible pedestrian routes. This applies to all residents, not just those of the proposed scheme. Clearly parents and children from the Brookfields locality would have a shortened walk through the site to the primary school, and this is welcomed, but there remains uneasiness with the residual impacts that arguably could be described as severe in considering the changed conditions pitching vehicular against pedestrian traffic.

Mill Lane in many ways is seen as the 'poor relation' to the wider scheme of which it forms a part. NPPF para.64 states: 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. On this basis there is local concern about the adverse impacts of the development on the use of Mill Lane, including the lack of compliance with Local Plan policies TA5 - securing inclusive, safe and convenient access on foot... that addresses the needs of all, and EQ2 - making efficient use of land whilst having regard to accessibility.

Conclusion:

In terms of the wider considerations that were previously addressed as part of the appeal proceedings, namely, the proposal's impact on the Conservation Area, drainage, play provision and wildlife - these are all matters whose detailed consideration has not altered since the 2013 appeal.

This report has had the opportunity to consider in greater detail the local concerns that have been raised about the detrimental impact on the use made of Mill Lane that is not considered as straightforward as the 2013 appeal inspector appeared viewed matters. In addition the Education request would further dilute local benefit. The reduction in the s106 contributions was a matter the previous committee report considered to be an issue, but accepted on the basis of establishing a new footpath.

The 2003 local plan appeal inspector possibly got it right in seeking to make the Remalard access work, with the view that fewer dwellings was the right way forward. The approach is considered would leave Mill Lane outside the scheme, for which there has been too much reliance.

Notwithstanding that there are planning officer concerns about access, there is no Highway Authority support to refuse, and given the appeal decision, Members are asked to consider further the issues. Likewise, the, effective, reduction in financial contributions following Education's request that would need to be shared with the already reduced leisure contribution is another concern that might question the scheme and which Members likewise may want to give further consideration, although the officer recommendation is to approve.

RECOMMENDATION

Grant planning permission for the following reason subject to:

- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:
 - (i) the construction of a public footpath/cycle way from the application site to the adopted highway at Millbrook Gardens, to be retained in perpetuity.
 - (ii) to not commence work on the development until the necessary Traffic Regulation Order at Mill Lane/Brookfields has been granted. A restriction should also be imposed so no works on the development take place until those works covered by the TRO have been fully implemented.
 - (iii) the provision of Affordable Housing comprising 4 for Social Rent and 1 Shared-Ownership to the satisfaction of the Council's Strategic Housing Manager.
 - (iv) contributions towards equipped play areas, youth facilities, playing pitches, changing rooms or community halls in Ansford/ Castle Cary to the sum of £100,786
This will be index linked.
 - (v) the reappraisal of the site's viability to the satisfaction of the Council's Valuation Officer.
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

01. The principle of this development is supported, reflecting as it does the Local Plan allocation HG/CACA/2. Castle Cary is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and its services and can be developed without causing unacceptable harm to the setting or functioning of the town.

The proposal, in outline, by reason of its location on the periphery of a sustainable settlement, its juxtaposition with existing built form and its scale represents appropriate infill where a development could result that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area, subject to the approval of Reserved Matters and would not foster growth in the need to travel, in accordance with the aims of objectives of the National Planning Policy Framework, Policies SS1, SS5, TA5, HW1, EQ2, EQ3, EQ4 and EQ5 and the saved housing allocation HG/CACA/2 of the South Somerset Local Plan 2006-2028, .

SUBJECT TO THE FOLLOWING:

01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning

Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The access hereby permitted shall be carried out in accordance with Drawing No. 87238-4 Revision X1.
Reason: For the avoidance of doubt and in the interests of proper planning.
03. The development hereby permitted shall not provide more than 29 residential units.
Reason: To ensure that the mitigation measures negotiated as part of the scheme hereby approved are commensurate with the development as built in accordance with Policy EQ2 and proposal HG/CACA/2 of the South Somerset Local Plan 2006-2028.
04. The application for approval of the reserved matters shall include details of the finished floor levels and resulting ridge heights of the buildings to be erected on the site.
Reason: In the interests of the visual and residential amenity of the area, in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.
05. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
Reason: To ensure that the heritage assets are afforded the necessary protection as advocated by the National Planning Policy Framework and Policy EQ3 of the South Somerset Local Plan 2006-2028.
06. The application for approval of the reserved matters shall make provision for:
 - a) a two metre wide badger access corridor along the full length of the eastern boundary with a engineering solution to the potential obstacle of the pedestrian link to Remalard Court;
 - b) a two metre wide badger access corridor along the full length of the northern boundary (save for the access road); and
 - c) a scheme of badger proof fencing within residential boundaries in the vicinity of the badger sett on the eastern boundary. The scheme shall include details of materials, height above ground and depth below ground, and a plan of the location and extent of fencing. The fencing shall be installed in accordance with the approved details.

The provision provided by a) and b) shall be planted with a hedge of native species and kept free of fencing or other boundary treatment, or any other obstacles along its route that would otherwise prohibit passage by badgers.

Reason: To avoid impact upon and from badgers in accordance with National Planning Policy Framework and Policy EQ4 of the South Somerset Local Plan 2006-2028.
07. The application for approval of the reserved matters shall ensure that the watercourses on the east and west boundaries are not obstructed by any permanent boundary fencing. The ditch on the southern boundary shall also be retained to counter sheet run-off.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal/land drainage to comply with the National Planning Policy Framework.

08. A scheme for the subsequent management and maintenance of the badger corridors referred to in Condition 06 and the watercourses and ditch referred to in Condition 07 shall be submitted with the application for approval of the reserved matters. Once agreed the scheme shall be fully implemented and adhered to thereafter.
Reason: To prevent the increased risk of flooding and ensure protection of badgers to comply with the National Planning Policy Framework.
09. The application for approval of the reserved matters shall include a scheme for land drainage, foul and surface water drainage. Such approved drainage details, which shall include provisions to prevent the discharge of surface water onto the public highway, shall be completed and become fully operational before the occupation of any dwelling. Following its installation such approved scheme shall be permanently retained and maintained thereafter.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal to comply with the National Planning Policy Framework.
10. The application for approval of the reserved matters shall include the following tree protection and planting details:
- a) a layout plan of the below-ground drainage & services to be installed;
 - b) a Tree Survey, Tree Protection Plan and Arboricultural Method Statement relating to all retained trees and hedges on or adjoining the site, so as to conform to British Standard 5837: 2005 - Trees in relation to construction; which shall include:
 - i. a layout and specification of tree and hedge protection fencing
 - ii. special protection and engineering measures for required access, installation of built structures, below-ground services, drainage and hard-surfacing within the Root Protection Areas of retained trees
 - iii. a schedule of compliance-monitoring for the duration of the construction phases of the development (inclusive of landscaping & dismantling of tree protection fencing)
- Upon approval by the Council, the tree protection and planting details shall be implemented in their entirety for both the duration of the construction of the development.
Reason: To preserve the health, structure and amenity value of retained trees to comply with the National Planning Policy Framework.
11. The application for approval of the reserved matters shall include a strategy for the storage and collection of domestic recycling and refuse. Such a scheme shall include the locations of collection points (communal if necessary).
Reason: To promote sustainable construction as advocated by the National Planning Policy Framework.
12. No development shall be undertaken until the access generally in accordance with Drawing No. 87238-4 Revision X1 has been implemented in accordance with detailed specifications to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety, in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.
13. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety, in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

14. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include pollution prevention measures, construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety, in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.