

The application site, commonly known as the Brimsmore Key site, lies on the northern edge of Yeovil's built limits off Thorne Lane. The site is subject of a Local Plan allocation and related outline planning permission for approximately 830 dwellings, primary school a local centre with shops, community hall, sports provision, open space and community woodland. Significant related off-site highway improvement works are secured by means of a planning obligation.

An initial application for Reserved Matters was submitted in February 2011 and approved April 2012. This concerned the southern part of the site and included 298 dwellings and the east-west internal link road from Tintinhull Road to Western Avenue. The application was split into identifiable parcels A-F.

Various amendments to Area A (109 units) have already been made via previous applications and this application only seeks alterations to Area B (32units). However the submission of a new application for Reserved Matters approval will supercede the 2011 application and encompass/regularise the amendments made to Area A. There are no additional units proposed.

In terms of Area B the substantive amendments include:

- Revised layout to achieve more detached and semi-detached properties in a visually looser grain of development. The approved scheme contains more terraces, more land-take from roads and parking accessed from the rear.
- Corresponding changes to house types/elevations.
- More parking on-plot.
- The inclusion of more 2-bed and 3-bed units and fewer 4 bed-units.
- The introduction of two apartment blocks of three units each addressing the Westgate Roundabout.
- The explicit removal of an Ash tree (T491) to give more space to and visibility of a retained Oak tree (T490).
- The explicit inclusion of a crossing point to the site from the footpath/cycleway at Abbey Manor Park and the continuation of the internal cycleway to the Westgate Roundabout.

Several plots in Area A are occupied.

HISTORY

The key site is allocated in the Local Plan as Policy KS/YEWI/2.

The outline planning permission granted in 2007, is in line with the Local Plan allocation. Given the scale of the development the normal time limit for the permission was extended to allow development across the site over a 10-year period. There are however, triggers within the various S106 legal agreements to ensure that the provision of affordable housing, community infrastructure, open space and highways are provided for alongside the new development.

The reserved matters approval granted in 2012 - 11/00361/REM, covers the southern section of the outline approved site and permits the erection of 298 houses and works to secure highway improvements over the junction with Thorne Lane and Western Avenue. The approved housing is all open market with the affordable provision set for a later phase further to the "triggers" of the planning obligation.

13/02934/S73 - Application to vary condition No.1 of planning approval 11/00361/REM to change details of design (approved plans): Approved 29 October 2014.

14/03596/S73 - Application to vary condition No.1 of planning approval 11/00361/REM to change details of design (approved plans): Approved 03 November 2014.

The last three applications will be effectively superceded if this current application is approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

On this basis the following policies are considered relevant:-

South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

SS4 - District-wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

EQ2 - Design & General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ6 - Woodland and Forests

EQ7 - Pollution Control

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix Market Housing

TA3 - Sustainable Travel at Chard and Yeovil

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development.

Of particular relevance is the proposed allocation of land at Brimsmore (Thorne Lane) under proposal KS/YEWI/2 in the previous Local Plan and in this connection regard should be had to the Brimsmore Development Framework February 2005 (which accompanied the Outline Application).

National Guidance - National Planning Policy Framework:

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Yeovil Without Parish Council:

Recommend Approval - Suggestion to the applicant that a public event be held to update residents on the development.

Brympton Parish Council:

The Parish Council considers there is insufficient information given with the application.

The matter was then considered again with a recommendation for approval subject to restoration of the original road alignment and the approved road crossing concept, to prevent severance.

Highway Authority (Somerset County Council):

No objections raised. Some details will need to be addressed at the s38 stage.

SDDC Highway Consultant

Refer to SCC comments.

Natural England:

No objection.

Crime Prevention Officer:

No Objection subject to the inclusion of bollards to prevent unauthorised vehicle entry to the footway/cycle way off Westgate Roundabout.

Environment Agency:

No objections, having previously agreed Condition 07 from the outline application. Condition 08 requires attention and this should be agreed with the LLFA.

Wessex Water:

Refer to previous response to 2011 application.

Water supply arrangements will require off-site works and inclusion of booster station.

The first phase of 298 dwellings can be connected to the existing public sewer in Thorne Lane but future phases will trigger downstream improvements.

Lead Local Flood Authority:

The comments of the LLFA will be orally updated.

SDDC Environmental Protection:

Verbal - No objections subject to retention of Condition 09 from the original REM approval.

Archaeologist (Somerset Heritage Centre):

No implications. Archaeological matters controlled by the outline approval (Condition 05).

REPRESENTATIONS

Neighbouring householders and premises have been notified and invited to comment on the application.

Three representations have been received:

In objection:

- Increase in traffic causing congestion, safety and pollution fears.
- The area is becoming too urbanised.
- The development will spoil outward countryside views.
- Brown-field sites should be developed first.
- Access issues raised with regards to a particular property on Thorne Lane.

CONSIDERATIONS

The principle of developing the Brimsmore Key Site is well established. This application seeks no additional dwellings to that of the original Reserved Matters approval from 2011/2012.

Matters concerning ecology, public transport, education, community facilities, highways, noise and pollution, archaeology, ground conditions, play and open space were all considered at the outline and original 2011 Reserved Matters stages and are unaffected by this application which primarily seeks alterations to Area B. The conditions from the outline application persist and the original Reserved Matters conditions will be brought forward and updated in light of current circumstances.

Design and Layout

The principle changes to Area B concerning layout and dwelling types are acceptable and the dwelling mix is now felt to better respond to market needs as this will be the next Area that the current developer, Wyatt Homes, will continue to build out after completing Area A. The intentions contained within the Local Plan allocation and Development Framework document dated February 2005 are maintained.

Highways

The Highway Authority has not raised any issues with the rearranged internal road layout.

The revisions are not considered to impact upon traffic flows over and above those considered at the original Reserved Matters stage.

The layout also provides more on-plot parking compared to the original Reserved Matters approval.

The comments of Brympton parish Council as a neighbouring parish are noted, in particular the connectivity between Abbey Manor Park and Areas A and B as a gateway to the wider Brimsmore site. The specific issue lies with a crossing point from a cycleway on Abbey Manor Park to a point between Area A and B. The original Reserved Matters approval showed a more meandering realignment of Thorne Lane which allowed for a wider central reservation to be created to aid an uncontrolled crossing. The works to Thorne Lane have gained Technical Approval from Somerset County Council as the Highway Authority and this process has had the effect of straightening the road and reducing the width of the central reservation. Brympton Parish Council considers that this unduly prejudices the use of the crossing by cyclists and wishes the original plan to be restored. The desire to provide good connectivity with across Thorne Lane linking two areas of development together is an absolute priority. At this moment in time however the technical approval of the Highway Authority would render a refusal on these grounds difficult to substantiate. Through discussions with the developer on this subject it did come to light that the Highway Authority has requested that the groundworks and electrical conduits to allow the future installation of a Toucan crossing, be undertaken as part of the works that connect Western Avenue to the new Westgate Roundabout which will adjoin Area B (referred to as Highway Section 1a in the Section 106 Agreement). In the same Agreement the developer is obligated to provide a controlled crossing required by the County Council to cross Thorne Lane in the location of the uncontrolled crossing the Parish Council has taken issue with. As such it will be suggested that the developer installs the Toucan crossing now as part of the Element 1a works and this will mean that the central reservation debate will be rendered obsolete as a proper cycle crossing will have been established. An oral update on this matter will be made.

Drainage

The arrangements regarding surface water drainage remains as agreed original Reserved

Matters approval and the LLFA is being asked to reconfirm acceptance of the approach.

Foul drainage is covered by Condition 11 of the Outline permission.

Other Matters

The new REM approval allows matters regarding bin storage and land conveyancing to be more firmly controlled via conditions 11 and 12.

Conclusion

The comments of local residents and Brympton Parish Council are noted; however, given the nature of the changes requested, the fall-back position and/or conditions imposed on the Outline application or proposed for this Reserved Matters approval, it is not considered that there are any matters that would warrant a recommendation refusal.

RECOMMENDATION

Grant permission for the following reason:

01. This application is a variation to a reserved matters application following the grant of Outline permission ref no 05/00753/OUT and the revised details accord with the principles set out in the outline application and in the Local Plan allocation for this site and with the relevant planning policies, including the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the plans as set out on the schedule dated 17th February 2016.
Reason: For the avoidance of doubt and in the interests of proper planning.
02. Prior to the commencement of any dwelling within Areas B-F, full details of the following shall be submitted to and approved in writing by the Local Planning Authority for each plot in the phase, or part thereof, to be constructed:-
 - specific external wall materials, finishes and colours including sample panels for approval on site to show masonry coursing, jointing, bond and pointing and render finishes.
 - details of any proposed parapets, string courses, plinths and mouldings
 - specific window and door design details including sections and wall opening details including arch. lintel, cill, window/door surround and reveal depth.
 - details of any porches and door hoods
 - position and details of meter boxes and any external flue, vent and extract terminals
 - roof materials, including samples
 - roof ridge, hip, eaves, verge and rainwater goods details
 - any chimney, dormer and roof light details.
 - external works details of any steps, walls and copings, railings and fencing.
 - details of any permanent external lighting proposed on building including any street lighting to be mounted on buildings (not including individual security lighting).

Area A shall be built in accordance with the details pursuant to applications 11/00361/REM (14/03596/S73), 14/05665/DOC and 15/03328/DOC agreed by the letters from the Local Planning Authority dated 24/07/2015 and 03/12/2015 plus the details contained within this application for Plots A52-62.

- Reason: To ensure that attention to detail is given to provide quality of design in the proposed development in accordance with the Design masterplan and planning statement in accordance with Policy EQ2 of the South Somerset Local Plan.
03. Section A of the Woodland Area (as defined in the Section 106 Community Agreement dated 7 August 2007), shall be completed in accordance with the details pursuant to application 11/00361/REM (14/03596/S73) and 14/05665/DOC agreed by the letter from the Local Planning Authority dated 24/07/2015.
The implementation of this shall be in accordance with the timescales as set out in the Section 106 Agreement.
Reason: To ensure appropriate planting is carried out to the woodland edge of the development in accordance with Policies EQ2, EQ4, EQ5 and EQ6 of the South Somerset Local Plan.
04. Prior to the commencement of any dwelling within Areas B-F, full details of hard and soft landscape proposals for that phase (or part thereof) of the development shall be submitted to and approved in writing by the local planning authority. Such details shall include:
- maintenance prescriptions for existing landscape features to be retained e.g; trees and hedgerows,
 - attenuation and swale elements within public open space,
 - full details of all tree and hedgerow planting including street trees/shrubs.
- Area A shall be built in accordance with the details pursuant to applications 11/00361/REM (14/03596/S73), 14/05665/DOC and 15/03328/DOC agreed by the letters from the Local Planning Authority dated 24/07/2015 and 03/12/2015 plus the details contained within this application for Plots A52-62.
Reason: To ensure a meaningful contribution to the urban design and open space elements in accordance with Policy EQ2 and EQ5 of the South Somerset Local Plan.
05. All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining any phase or part thereof of that part of the site being developed shall be protected from damage for the duration of works on that area to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of trees, hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.
Reason: In the interests of the amenity of the area and to ensure proper planning of the development in accordance with Policy EQ2 and EQ5 of the South Somerset Local Plan.
06. Prior to the occupation of any dwelling hereby permitted, detailed proposals for any proposed balancing pond and any other attenuation features serving the area of development in which such dwelling is situated shall be submitted to and approved in writing by the Local Planning Authority. These details shall include cross sections, ground levels, details of invert and outlet structures, and proposed marginal planting. Such ponds/attenuation features shall be completed in accordance with a timescale to be agreed in writing by the local planning authority.
Reason: In the interest of the amenity of the area and to ensure proper planning of the development in accordance with Policy EQ2 of the South Somerset Local Plan and the provisions of the NPPF.
07. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment as amended and surface water drainage strategy,

particularly limiting the surface water run-off discharge from Catchments A, B or C to be no greater than the Qbar rate as shown in Table 4 in Appendix C of that report.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the NPPF.

08. Prior to the commencement of the surface water drainage scheme, for each phase or part thereof, a full operation and maintenance strategy shall be submitted to and formally approved in writing by the Local Planning Authority. For Area A this shall be within three months of this approval. The strategy shall identify all future land use limitations; identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

Reason: To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development in accordance with the NPPF.

09. Prior to the commencement of any dwelling within Areas B-F, an assessment of those properties which are likely to be subjected to noise shall be submitted to and approved in writing by the Local Planning Authority. This relates to those properties within NEC B. For those properties identified, a scheme of acoustic insulation should be submitted to the Local Planning Authority for approval before the commencement of construction of these plots. Any mitigation works identified shall be carried out prior to occupation of the dwellings affected.

Area A shall be built in accordance with the details pursuant to applications 11/00361/REM (14/03596/S73), 14/05665/DOC and 15/03328/DOC agreed by the letters from the Local Planning Authority dated 24/07/2015 and 03/12/2015 plus the details contained within this application for Plots A52-62.

Reason: To ensure proper planning of properties potentially affected by noise in the interests of amenities of occupiers and in accordance with saved Policy EQ7 of the South Somerset Local Plan.

10. Details of the internal ground floor levels of the buildings to be erected on the specific phase or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. This shall be prior to the commencement of any dwelling within the individual Areas B-F.

Area A shall be built in accordance with the details pursuant to applications 11/00361/REM (14/03596/S73), 14/05665/DOC and 15/03328/DOC agreed by the letters from the Local Planning Authority dated 24/07/2015 and 03/12/2015 plus the details contained within this application for Plots A52-62.

Reason: To ensure that attention to detail is given to provide quality of design in the proposed development in accordance with the Design masterplan and planning statement in accordance with Policy EQ2 of the South Somerset Local Plan.

11. Prior to the commencement of any dwelling within Areas B-F, a strategy for the storage and collection of domestic recycling and refuse shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the locations of collection points (communal if necessary). For Area A this plan shall be submitted with 3 months of this approval.

Reason: To promote sustainable construction as advocated by the National Planning Policy Framework.

12. A landscape management plan for Areas B-F, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. For Area A this plan shall be submitted with 3 months of this approval. The agreed landscape management plans shall be carried out as approved.

Reason: In the interests of visual amenity and to accord with Policies EQ2, EQ4, EQ5 and EQ6 of the South Somerset Local Plan 2006.

Informatives:

01. You are reminded that four legal Agreements under S106 of the Town and Country Planning Act accompany this application and remain applicable in addition to the two Supplemental S106 Agreements agreed relating to community and highways.
02. You are reminded that there are informatives on the Outline Planning Permission 05/00753/OUT which remain of relevance for this and future phases of development.
03. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
04. You are reminded of the Duty of Care for dealing with waste which is set out in detail in the response from the Environment Agency from whom additional guidance can be gained.
05. You are reminded that a Right of Way crosses this site which will require a formal Diversion Order. Advice can be gained from the Rights of Way Officer.
06. You are reminded to ensure that any works carried out do not adversely affect third party properties particularly when working in close proximity to existing houses or boundaries to residential properties.
07. With regards to Condition 12 the Local Planning Authority is seeking a plan that shows the intended land to be conveyed to private households, to the Highway Authority, to the Local Authority and/or Management Co. if applicable.