

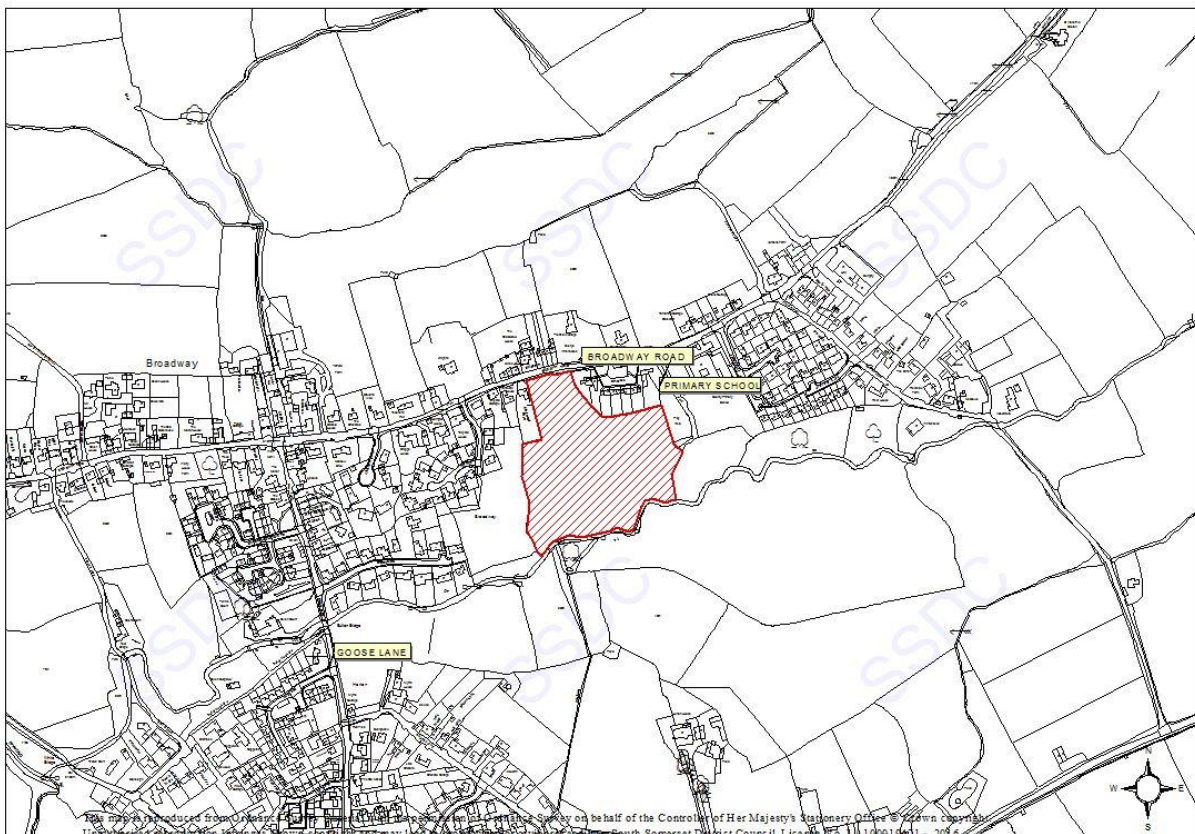
Officer Report On Planning Application: 15/04866/OUT

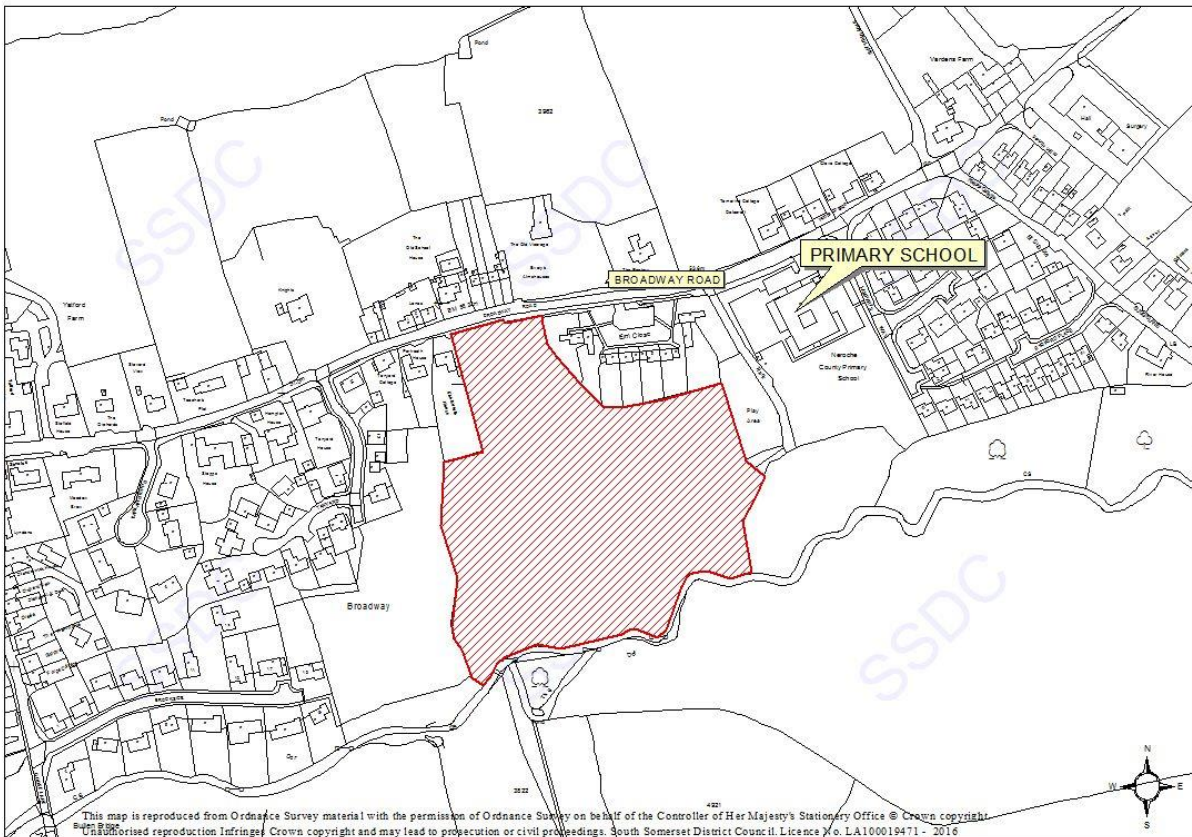
Proposal :	Outline application for residential development (for up to 25 No. dwellings) with associated vehicular access arrangements, relocation of parking for Norbeth and The Bell Inn. (GR 332383/115392)
Site Address:	Land Rear Of The Bell Inn Broadway Road Broadway
Parish:	Broadway
NEROCHE Ward (SSDC Member)	Cllr L P Vijeh
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	3rd February 2016
Applicant :	G Pavier And M Baird
Agent: (no agent if blank)	Shaun Travers Boon Brown Architects Motivo Alvington Yeovil, Somerset, BA20 2FG
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE:

This application was considered by members at the June committee and deferred to allow members to undertake a site visit. The following report should be read in conjunction with the original committee report from the June Committee which is attached to the end of this report.

SITE DESCRIPTION AND PROPOSAL





In response to the debate by members at the committee meeting in June, this report provides further comment in relation to highway impacts, conservation issues, housing numbers and sewage infrastructure.

Additionally the Councils Highway Consultant has provided some additional comments and as requested by members will be in attendance at the July meeting.

In response to concerns over the access the applicant has submitted a revised plan showing an increased radius at the eastern side of the proposed junction. Revised vehicle tracking details are submitted which demonstrate that an 11.4 metre refuse vehicle could negotiate the junction without conflicting with parked cars opposite the junction.

Additionally, Somerset Waste partnership have confirmed that refuse collections in this area are normally carried out by the smaller 26 tonne vehicles which are 10.4 metres long and therefore have tighter turning circles than is shown on the vehicle tracking plan.

The Councils Highway Consultant and the Highway Authority have been consulted. Their responses are as follows:

Highway Authority:

Whilst we do not object to the development in principle we are concerned about the relationship between the revised radii and the potential for increased speeds of left turning vehicles entering the site and the pedestrian crossing point. However I do not believe these changes will result in a severe impact on highway safety and am happy that any such matters of detail can be resolved satisfactorily during the S38 adoption process should the development be approved.

SSDC Highway Consultant:

I refer to the amended plans submitted by the agent indicating the alteration of the eastern junction radius. The swept path analysis plans indicate that a large 4-axle refuse collection vehicle (which it appears is larger than the current 3-axle vehicle that operates in the area) can satisfactorily enter and exit the site without conflicting with the on-road parking outside the Alms Houses.

I am therefore satisfied that the plans indicate the provision of a safe and suitable/convenient means of access to serve the residential development.

With regards to traffic impact of the scheme, I have considered the TRICS analysis set out in the Transport Statement which indicates that the proposed development is likely to generate around 20 vehicular movements in the AM and PM peak hours. This equates to an average of one vehicle movement every three minutes during the busiest times of the day. Consequently, I do believe that such traffic impact can be considered as 'severe' in reference to paragraph 32 of the NPPF.

Having regard to the above it is considered that the junction would meet the relevant technical standards and as such the proposal is considered to be acceptable in relation to highway safety.

Conservation:

Concerns were raised at the committee meeting in relation to the impact of the proposed development on the grade II listed Almshouses. The Councils Conservation Officer has provided some additional comments and these are set out below:

"There are some historic properties close to the site, with the Almshouses being listed. These are opposite the site and set back, fronted by a hedge. The site is at a transition point in the village where the stone walls to the front of dwellings change to hedges. There are a number of modern properties to the west of the site.

The new access would result in the loss of a section of wall to the front of the pub car park which is to the west of the building. There is no wall to the front of the public house, this area may have been marked out for off road parking, but on my visits I have not seen it is use as such.

There are clearly a number of planning issues to be considered, with my remit relating to the setting of the listed building. We have a statutory duty to have special regard to the setting of listed buildings, with the NPPF giving great weight to the conservation of heritage assets. Any harm results in a statutory objection which has to be weighed against the public benefits.

In this case the alterations are not to the buildings, or within the curtilage, but are indirectly across the road. It is difficult to read the new access and the listed building together. There is no inter-visibility. Therefore for me, the issue is whether the alterations to the street scene are harmful to the wider setting.

The drawing we have is indicative, but shows what we would largely expect of an estate road. The roadside wall is regularly punctuated by drives and accesses, some built with waiting bays. The wall to the public house is missing across the front of the building opening the road out. Walls would be rebuilt, but could perhaps be longer and better positioned.

In context I do not see that this access is, in principle, harmful to the setting of the listed building.

I do see that this drawing for information does leave some queries: The walls should be to the back of the pavement and should continue into the new road. I would like to see as much of the front of the public house with a wall, but this may not be within the control of the applicant. The tactile surfacing needs thought, as it may be implemented in a way which is somewhat stark. How the pavement is handled across the pub frontage needs careful thought so as that the engineering and design are also not too overt. In summary we need to ensure the access blends in as it should.

(Case officer comment: The paragraph below from the Conservation Officer is in response to comments from the Parish Council that the Conservation Officer had previously objected to almost all housing proposals where there were grade II listed buildings in close proximity, including the Vardens Farm application).

With regard to Vardens Farm, my view is not in relation to views of the Church, but how the village would be moving towards an historically isolated church building, which has a much wider setting than the Almhouses”.

Having regard to the above comments, the principal impact would relate to the insertion of the estate road and associated loss of existing stone wall. Given the visual separation of the access from the Listed building and the modern context of the area to the south of Broadway Road, it is considered that the alterations would not be so significant so as to harm the setting of the listed building. Furthermore, the reserved matters application can ensure the provision of appropriate boundary treatment to the sides of the access which should consist of a continuation of the natural stone walling adjoining Broadway Road. The applicants agent has confirmed that stone walls in these locations would be acceptable to the applicants and that this could be made a condition of an approval. Accordingly it is considered that the setting of the listed building would be preserved in line with Policy EQ3 of the South Somerset Local Plan (2006-2028).

Housing numbers:

Clarification has been requested in relation to the acceptability of the cumulative number of houses resulting from this development and the recently approved scheme at Tanyard which is for 16 dwellings.

The Council currently cannot demonstrate a 5 year housing land supply. The latest position in this regard was reported to members at the Councils District Executive meeting on the 7th of July. This confirms that currently the housing supply is 4 years and 2 months which equates to a cumulative identified shortfall of 998 dwellings across the district.

Each application needs to be considered on its individual merits in terms of the acceptability of its impacts. As the Council cannot demonstrate a 5 year housing land supply the assessment of planning applications for housing is made against the context of paragraph 14 of the NPPF which states:

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

The case officer was requested to compare Broadway with other similar sized villages in terms

of applications/approvals for housing. However, given the above requirement of paragraph 14 and the principle of assessing on individual merits, whilst a check on recent housing applications in other villages is informative, it is not a material consideration that should be given much weight in assessing the merits of the application.

Sewerage Infrastructure:

The Parish Council and local Ward Member have requested further clarification in relation to the lack of objection from Wessex Water. It is understood that there have been instances of a manhole in Suggs lane overflowing. Wessex Water have been monitoring the situation and have confirmed that blockages in the sewer were identified. As a result of this and further flooding in 2015/16 routine jetting has been extended in the village. A scheme to carry out a full hydraulic appraisal of the network is also being planned. Wessex Water further confirm that the foul outflow from 25 properties will be very low and no objections are raised on the basis of capacity.

Given the comments from Wessex Water, it is considered that there is sufficient capacity in the network to accommodate the proposed development. The identified issues are pre existing and there is ongoing assessment by Wessex Water of the maintenance regime for the village. As such these issues are not related to the proposed development and it would therefore not be reasonable to refuse planning permission for the proposed development on this basis.

Other issues:

One of the benefits of the proposed scheme is that it would provide the opportunity for improved parking facilities for the public house and this weighs in favour of the scheme. Concerns were raised at the committee meeting that the public house could be converted or demolished to provide additional houses. Whilst the public house is within the red line site area, the public house is not included within the application or description of development for demolition or conversion. Nevertheless to mitigate these concerns it is considered that a condition can be imposed which clarifies that the permission would not grant consent for the change of use of the public house to residential use.

Conclusion:

It is considered that provision of up to 25 dwelling houses with 35% affordable housing would be acceptable in principle within this sustainable location. The access is considered to have no adverse impact on highway safety. Financial contributions towards sports and leisure facilities are considered necessary to mitigate the impact of the development. The provision of public open space will enhance the facilities within the village and will be a significant positive outcome from the proposal.

Section 106 Planning Obligations:

The application be approved 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 permission to cover the following items/issues:

- 1 At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Corporate Strategic Housing Manager.
- 2 Contribution of £4752.00 per dwelling towards the provision of sport, play, open space and strategic facilities.
- 3 Transfer of the open space to either the Parish Council or the District Council and provision of a commuted sum of upto £55,131.33 for the future maintenance of the open space.

b) The following conditions as outlined below:

RECOMMENDATION

Approve for the following reason:

The proposed development is located in a sustainable location, provides considerable social benefits such as affordable housing and will contribute to overall housing supply within the district. The impacts of the scheme will be acceptably mitigated through planning obligations and is considered to be acceptable in terms of residential amenity, highway safety and visual amenity. The development will not harm the setting of the adjacent Grade II Listed Building. Planning conditions would ensure that protected species are not harmed and that there were ecological enhancements within the site. As such, is considered that the proposal would accord the requirements of policies SS4, EQ2, EQ3, HG3, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

Approve as per conditions and 106 obligations recommended to the Committee in June with the addition of a condition to clarify that the public house and its curtilage do not form part of the consent for residential use.

JUNE REPORT:

This is an outline application for residential development comprising of up to 25 no. dwellings, associated parking, landscaping and construction of access. The outline is to agree the principle of development and access only, all other matters are reserved.

The site comprises of an undeveloped field situated to the south of The Bell Inn public house within the village of Broadway. Vehicular access would be gained from Broadway Road to the north of the site via a new estate road to be constructed in-between the Bell Inn public house and an adjoining detached dwelling, 'Norbeth.

The southern site boundary is formed by the River Ding and beyond this there is open countryside. There is an adjoining paddock located to the west of the site that has recently received outline planning permission for up to 16 dwellings. There is existing development to the north of the site fronting Broadway Road and a primary school to the north east.

HISTORY

None relevant to the application site.

Adjacent site:

16/03636/OUT- Outline application for a residential development comprising of up to 16 No. dwellings, associated parking, landscaping and construction of access - Allowed on appeal under reference 3063738.

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.

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)

Relevant Development Plan Documents:

South Somerset Local Plan (2006-2028):

SS1 - Settlement Strategy - identifies Broadway as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SD1 - Sustainable Development

HG3 - Provision of affordable housing

TA5 - Transport Impact of New development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Broadway Parish Council:

This planning application was received and considered at a meeting of Broadway Parish Council held on 7 December 2015 attended by 33 members of the public. The Parish Council unanimously resolved that it did OBJECT to the proposal for the following reasons:

- Local Planning Policy - it is felt that this proposal does not meet the criteria of Planning Policy SS2. It is also felt that it does not meet the criteria of the Local Plan Paragraph 5.25 - 'Future delivery of housing and economic activity in rural locations needs to carefully balance the sustaining of communities against protecting and enhancing the rural environment'.
- 'Cumulative Effect' - currently SSDC has five planning applications under consideration for Broadway which, if all granted, would yield up to a total of 59 dwellings. Although it has been understood from SSDC that it is too early to argue the 'cumulative effect', which is felt does not reflect the Local Plan Policy SS2 and Paragraph 5,25, it is felt that a request should be made to SSDC as to whether this could be taken into consideration. Broadway Parish Council is working towards commissioning a Housing Needs Survey during 2016 which will provide evidence of the specific housing needs for the Parish. There are concerns the SSDC currently identified shortfall of the 5 year housing supply needs could fail to take into account housing requirements across the entire district.
- Adverse Village Impact - based on the 2015/16 Council Tax Base the number of properties in Broadway Parish is 325 houses. An additional 25 houses in a single development would represent an increase of 7.7%. The latest population count as of the 2011 census (the latest information available) was 740. Using the average number

of residents per household in the UK as being 3 then this could represent an additional 75 residents i.e, a 10% increase in the village population. It is felt the density and scale of this proposed development, when combined with the other proposed developments in Broadway, could affect the amenity and rural character of the village if it was approved without giving consideration to the aggregate effect of all the currently proposed developments in the village.

- **Flooding and Ecology** - the Parish Council has concerns the studies do not adequately address the impact of this development on the existing issues in the areas due to flooding particularly in the way that the site acts as a flood plain/overflow area for the River Ding. The density and hard landscaping of the proposal could well alter the way in which the site deals with the inundation that occurs, leading to adverse impacts on any proposed new properties, nearby properties, watercourses and public foul sewerage systems. There is an ongoing known problem with sewage and foul water flooding the area down-stream of the site - particularly in Suggs Lane - which occurs when the Ding rises significantly or floods the area - which causes the drains to overload and bring sewage up through the drain covers which is then deposited on private residential property and the road. This problem has been brought to the attention of both Wessex Water and SSDC but to date the issue has failed to be addressed. It is felt that no further development should be undertaken along this route until this drainage issue can be satisfactorily resolved.
- **Highway Safety** - the proposed new access road, both to the proposed pub parking and wider development, is considered to be far too tight, narrow and potentially dangerous. It is felt the proposal for a footway to be provided only along one side of the proposed new road is unacceptable and a wider splay onto Broadway Road, which is barely wide enough itself at this point, needs to be provided. The proposed new access road would be located directly opposite the 1588 Grade 2 listed Alms Houses which have no parking facilities other than at the front of these properties on Broadway Road. There are already concerns regarding highway safety along the whole stretch of Broadway Road due to the volume of traffic, narrowness of the carriageway and sparse footway provision. It is felt the introduction of a new roadway to service up to 25 houses and a pub would make a narrow and congested stretch of Broadway Road significantly worse.

Landscape Officer:

The site is a large grass field, currently grazed at low-intensity, which lays to the south of the main Broadway Street. Along with smaller paddocks to its sides, it is the main contributor to an open pasture area that separates the Tanyard/Brookside Close development to the west, from the Primary School and Lamparts Way area at the east end of the village. The open nature of the site also helps to maintain continued separation of Horton from Broadway. As such, it contributes to local character, and I view this as a strategic landscape space between these two Broadway housing areas to the north of the River Ding, and Horton to the south, particularly with its public access via local footpaths, and links with the school's playing field, that has great value to local amenity.

Broadway is not a major settlement, and as I understand it, has no allocation for additional residential development. Amongst its many objectives, national planning guidance seeks to protect the countryside, and our local plan policy SS2 seeks to strictly control the extent of development, unless community benefit and support can be gained. By definition, the proposal will clearly result in an erosion of the countryside - by virtue of domestic expansion into agricultural land, and this is a clear negative impact. On this basis, an in-principle case for refusal could be made, substantiated by the erosion of this open space area that contributes to the character and distinctiveness of the locality, thus failing to satisfy adopted LP policy EQ2.

The design and access statement submitted in support of this proposal offers a layout that constrains development to the north side of the field, to thus relate it to the development form associated with the main street and so assist assimilation of the proposal into this village edge context, whilst the indicative plan shows housing drawn well back from the immediate edge of the River Ding, such that a large area of the field remains open, with a potential to dedicate this land as public open space, which can be viewed as a potential community benefit. Consequently, whilst I consider that development of this site will lead to an erosion of local character, to thus provide landscape grounds for objection as set out above, should the Policy view be that Broadway is in need of local homes, and the open space has a capacity to come forward for community benefit (and this can be secured) then cognisant of the limited development potential elsewhere on land at Broadway's edge, I consider that these may provide circumstances where I would not argue that the case for a landscape objection is so strong as to provide a sole and over-riding basis for refusal of this application.

SSC Highways:

No objections subject to conditions relating to the submission of a Construction Environmental Management Plan, technical details of the estate roads, provision of footpaths to each dwelling prior to occupation, cycleway and footpath connections within the development to be agreed, surface water right of discharge and travel plan.

Comments as follows:

The proposed access is within the built up area and is to be provided with visibility splays that are appropriate for the speed limit on Broadway Road. The proposed access road will need to be constructed to an adoptable standard and a condition will be imposed to require full details to be submitted and approved prior to work starting on site. The estate road as proposed does not permit the design refuse vehicle from entering and leaving the site without crossing the centre line but this is not unusual in villages and as it will only be a once a week event it is not considered to result in a severe highway danger as required by NPPF. The peak hour traffic as identified in the Transport Assessment is not considered sufficient to produce severe congestion issues on the surrounding highway network.

Local Lead Flood Authority:

No objections to the application as submitted provided that a drainage condition is imposed requiring details of surface water drainage details and details of its maintenance and management of the for the lifetime of the development to be agreed in writing.

Environment Agency:

No objections subject to a condition requiring that levels within the open space are not raised. Standard informatives are recommended relating to pollution prevention, land drainage consent, and ecology.

Wessex Water:

There is adequate available capacity within the existing water supply network to serve the proposals; point of connection subject to application and agreement. Building above two storeys will require on site boosted storage. Standard informatives required.

SSDC Ecologist:

No objections subject to recommended conditions relating to landscaping details, including ecological enhancements and management of the open space and a slowworm survey/protection measures to be carried out.

SSC Education:

The local school, Neroche Primary currently, currently has capacity. Whilst an accumulation of

planning consents in the area will increase the pressure on this school I understand from my colleagues in Education Commissioning that a number of the pupils attending this school are from out of the area. Thus it would not be equitable in this instance for SCC to seek an Education contribution.

SSDC Environmental Protection Unit:

Expressed concern over the impact of the beer garden on neighbour amenity if it is situated to the rear of the public house. No objections are raised to siting the garden to the front/side of the public house.

Recommended a contaminated land watching brief to be secured by condition due to the potential for contamination from the old tannery to the west of the site.

SCC Rights of Way:

Commented that the development will obstruct the footpaths. Further commented that no objections are raised provided that the applicant is informed that a diversion order is applied for.

SSC Archaeology:

No objections

SSDC Housing Development Officer:

35% be provided as affordable housing (9 affordable dwellings from a total of 25). 2/3rds (6) should be provided at social rent and up to 1/3rd (3) may be provided as some other intermediate solution such as shared ownership, discount market, Affordable rent, etc.

I would like to propose the following property mix based on the current Housing Need Register data for Ilminster, and considering the stock levels and turnover in this area. I would also expect that our prevailing minimum space standards are adhered to:-

- 2 x 1 bed (2person) - 47sqm
- 5 x 2 bed (4 person) - 76sqm
- 1 x 3 bed (6 person) - 86sqm
- 1 x 4 bed parlour (8 person)- 126sqm

SSDC Sports, Art and Leisure:

Request a total contribution of £4752.00 per dwelling towards local and strategic facilities with a breakdown as follows (assuming 25 dwellings):

Local facilities:

- Equipped play space - £21,220.00 (plus commuted sum of £12,257.00)
- Youth facilities - £4,167.00 (plus commuted sum of £1540.00)
- Playing pitches - £9,789.00 (plus commuted sum of £6985.00)
- Rural community halls - £38,043.00

Strategic facilities:

- Theatre and art centres - £7722.00
- Artificial grass pitches - £1983.00
- Swimming pools - £4516.00
- Sports halls - £9399.00

Conservation Officer:

I don't consider that the proposal is harmful to the listed building (Almshouses) in this context. What would improve the proposal is a stone wall running across the front of the public house,

allowing for access to their car park and field access at the east end.

REPRESENTATIONS

42 neighbours were notified and a site notice displayed. There were objections from 21 adjoining occupiers, 1 in support and 1 letter making representations. The following comments are made in objection:

- The proposal is overdevelopment particularly given recent approvals such as at Tanyard.
- No evidence of need for the houses.
- Increased traffic and resulting parking and safety issues. The locality is very congested during school drop off times and therefore the location is not appropriate for the proposed access.
- The local road network is unsafe and there are deficiencies in pedestrian facilities in the area.
- Concerns over flooding.
- Sewerage infrastructure is not able to cope.
- School is already oversubscribed.
- Adverse impact on wildlife.
- There are brownfield sites that could be developed as an alternative.
- There is little public transport in the village.
- Adverse impact on rural character.
- Policy SS2 places development in the hands of the Parish.
- Limited facilities in the village- no shop.

The following comments were made in support:

- The amenities are generous for a small village.
- The proposed housing is needed and if affordable housing is proposed would provide opportunities for the younger generation to stay in the village.
- The school has extended its catchment area to maintain numbers.

The following comments were made as a general representation:

- The access should be revised to allow better arrangements for pedestrians.
- The enhancements for the public house should be more comprehensive such as a larger beer garden.
- Parking provision should be realistic.
- Fewer, perhaps larger homes are better than small terraced dwellings.

In addition to the above, representations have been received from Somerset Wildlife Trust which endorse the recommendations of the ecological survey. It is also requested that external lighting should be reduced to a minimum and landscaping to consist of native species.

CONSIDERATIONS

Principle of development/sustainable development:

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential

development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and these considerations are set out below:

Sustainability of the settlement:

It is considered that Broadway is a sustainable location for housing development given the facilities that the village provides. In terms of connectivity to facilities, the school is located approximately 150 metres to the east of the site and is accessible for pedestrians via a footway. Additionally there is a GP surgery, village hall and play area within a short walk of the site. This good level of connectivity to existing services and facilities is considered to weigh in favour of the proposal.

It is further noted that in allowing the appeal for the adjoining site, the planning inspector commented that the scheme of upto 16 dwellings stated that:

"The proposed mix of affordable and open market housing would increase the overall sustainability of the settlement, including support for key services. The proposal would not undermine the sustainability of Broadway".

As such the proposal would comply with the relevant sections of the NPPF in respect to locating housing within existing communities where existing services and facilities would be maintained and enhanced.

Number of dwellings proposed:

The applicant has not submitted an indicative layout, however these details would be part of a reserved matters submission.

The design and access statement confirms that 25 dwellings within the area proposed would represent a density of 18 dwellings per hectare. The application is for upto 25 dwellings and as such the Local Planning Authority have control over the final number having regard to matters such as general amenity and parking provision. It would be for a developer to assess the market demand which would affect the composition and final number of dwellings proposed.

Community facility:

The proposal involves securing the space to the south of the site for community use and the developer has come up with the concept of a 'rural park'. It is considered that footways within the park would improve access to this area for the community, particularly for those with limited mobility. Additionally this facility would improve connectivity to the school from houses to the west of the site and gives potential for children to walk to the school whilst avoiding the road. These benefits to the community are considered to be very positive and weigh significantly in favour of the scheme.

Landscape Character/ Visual amenity/Listed Building:

The Landscape Architect has been consulted and his comments are quoted in the consultation section of this report. In summary the Landscape Officer raised some concern over the impact of the proposal on landscape character, however notes the retention of the lower portion of the site as open space and the benefits this brings in landscape terms.

The Landscape Officer further comments that on the basis of landscape impact only there is potential conflict with the Local Plan and that this needs to be weighed against the potential for the community benefit arising if the future of the public space is secured.

Considering that the site to the west of the subject site has recently secured outline planning permission on appeal and presence of existing residential development to the north and west of the site, in the absence of a 5 year housing land supply it is considered that the development is sufficiently well located in relation to existing development and would present an appropriate 'rounding off' of development in this location. The finding of some landscape impacts as a result of the development would not be sufficient to warrant a refusal particularly given the other benefits of the scheme.

There is a grade II listed building located to the northern side of Broadway Road. The access would be located opposite. Given the limited scale of the access and the partially modern context it is considered that there would be no harm to its setting as a result of the proposal.

Flooding/sewerage infrastructure:

Objections have been received with regard to flooding of both the site from the river Ding, foul water flooding from the sewer pipes along with ground water flooding within the site.

The Environment Agency have raised no objection to the proposal subject to conditions and informatives. The condition would require that no part of the open space is raised above the pre developed level as any raising of ground level could deflect flood waters to other areas.

Wessex Water has been consulted and do not object as there is sufficient capacity in the local sewer network. Informatives are recommended in relation to consents for connecting to existing infrastructure.

Ecology:

The councils ecologist does not object to the proposal subject to conditions being included within the decision notice. The area is identified as being a foraging and commuting route for bats particularly along the southern boundary and eastern and western hedgerow boundaries. The provision of buffers to the eastern and western boundaries can be secured through a condition. The 50 metre buffer to the river and a lighting strategy for the development will ensure that appropriate mitigation is undertaken for bats.

The ecology survey concludes that there are small areas that may be a suitable habitat for slowworms. The Councils Ecologist has commented that reptile survey should be secured through a planning condition which would also secure a method statement and mitigation plan

should their presence be confirmed. This approach is consistent with the approach taken by the Planning Inspector on the adjacent site and is considered appropriate given the small scale of the potential habitat in relation to the wider site.

The Councils Ecologist has requested a further planning condition requiring a management plan for the open space, including ecological enhancements.

Highway Safety:

Objections have been raised over the increase in traffic on Tanyard and parking along with the general increase of traffic within the village itself.

During consideration of the application additional plans illustrating refuse vehicle tracking have been submitted and additional plans of the access were submitted due to concerns raised by the Councils Highway Consultant that the visibility splays were not achievable. The Councils Highway Consultant has since commented that the visibility splays stated would be achievable and acceptable.

In addition to the above, the County Highway Authority have confirmed that they have no objections to the proposal subject to conditions relating to various technical matters. Comments are provided confirming that the proposed visibility splays would be acceptable for this location and that the locality can accommodate the additional vehicular movements.

Objections have been raised in relation to the impact on residents cars parked opposite the proposed access which is a parking area generally used by occupants of Every's Almshouses. The Highway Authority are satisfied that the manoeuvre can be carried out safely. Additionally this issue has been discussed with the Councils Highway consultant who is satisfied on the basis of the swept path analysis plan that a large refuse vehicle turning right would not conflict with cars parked outside the Almshouses.

Residential Amenity:

Objections have been raised with regard to the general disturbance from the increase in traffic and lighting along with disturbance whilst construction works take place and once the new houses are occupied. The site lies alongside an existing residential area and as such it is considered that once constructed the level of disturbance will not be above and beyond the general expectation within a residential area. A construction Environmental Management Plan is proposed which will assist in limiting the impact of the development.

Contaminated Land:

Some concern was expressed by the Environmental Protection Department (EPU) in relation to the potential for contamination due to the proximity of the old tannery which was located to the west of the site. In response EPU have suggested a condition to report certain findings once the development is commenced.

Concern was raised over the change of use of land to the rear of the public house to a beer garden and this would potentially disrupt adjoining neighbours. Since this objection was submitted, the applicant has withdrawn this element of the scheme from the proposals.

Rights of Way:

The County Council Rights of Way Department do not object subject to an informative relating to the need to divert several of the footpaths. The footpaths would have to be carefully considered prior to submission of the reserved matters application. It is considered that there are no reasons why the footpaths cannot be accommodated acceptably within the reserved matters submission.

The footpath to the south of the dwellings would not require diversion as it is located within the open space.

Developer Obligations:

Paragraph 204 of the NPPF makes clear that planning contributions should only be sought in order to make development acceptable in planning terms and be directly related to the impacts of that development.

The Councils Sports and Leisure department have assessed the impact of the proposals upon local leisure infrastructure. An overall contribution of £4752.00 per dwelling is sought.

The County Council have commented that they would not be seeking contributions towards the Local Primary School as a result of the development.

In relation to the public open space there are options for the land to be transferred to either the Parish Council or to the District Council with a commuted sum to be paid for maintenance. The agent who has submitted this application is understood to have had some discussions with the Parish Council although the parish have not accepted at this stage that they would like to take on management of the space. Whilst adoption by the Parish Council is considered to be the preferred option, the Street Scene department have confirmed that they would be willing to adopt the space and undertake future maintenance if required. A commuted sum of upto £55,131.33 would be payable upon transfer of the land to either the Parish Council or District Council.

The development would be subject to Policy HG3 which requires that 35% affordable housing is provided.

Conclusion:

It is considered that provision of up to 25 dwelling houses with 35% affordable housing would be acceptable in principle within this sustainable location. The access is considered to have no adverse impact on highway safety. Financial contributions towards sports and leisure facilities are considered necessary to mitigate the impact of the development. The provision of public open space will enhance the facilities within the village and will be a significant positive outcome from the proposal.

Section 106 Planning Obligations:

The application be approved 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 permission to cover the following items/issues:

1 At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Corporate Strategic Housing Manager.

2 Contribution of £4752.00 per dwelling towards the provision of sport, play, open space and strategic facilities.

3 Transfer of the open space to either the Parish Council or the District Council and provision of a commuted sum of upto £55,131.33 for the future maintenance of the open space.

b) The following conditions as outlined below:

RECOMMENDATION

Approve subject to conditions and 106 obligations.

SUBJECT TO THE FOLLOWING:

01. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

02. The landscaping scheme required by condition 1 shall include the retention of the existing hedges to the east and western site boundaries and details of measures for their protection in the course of the development and measures for the protection of any trees within the development site. The landscaping scheme shall include details of any changes proposed in existing ground levels, the construction, location and finish of footpaths through the open space and proposed planting, seeding and turfing. The landscaping scheme shall be carried out and completed in accordance with a timetable to be agreed in writing. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local plan (2006-2028).

03. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- 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;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and general amenity to accord with Policy TA6 and EQ2 of the South Somerset Local Plan (2006-2028).

04. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details

to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

05. 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 to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

06. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

07. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

08. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

09. Prior to the occupation of any of the dwellings hereby approved are first occupied, a 1.8 metre wide footway shall be constructed across the site frontage with Broadway Road as illustrated on the site location plan no. 3448/PL/001 in accordance with a specification to be approved by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

10. No development shall be commenced until surface water drainage details together with a programme of implementation; maintenance and management of the sustainable drainage scheme, for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes, both on and off site, note: no part of the site shall be allowed to flood unless specifically designed to do so.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage, constructed to the approved details, thereafter implemented, retained, managed and maintained as per the approved details for the lifetime of the development and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

11. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms and if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

12. The layout of the site shall include the provision of buffers to the existing hedges to the east and western boundaries in accordance with details that shall be submitted and approved in writing by the Local Planning Authority. A scheme of ecological enhancement measures that shall include a scheme for the eradication of Himalayan balsam and fencing to prevent access to the river bank and the provision of bat and bird boxes shall be submitted and approved in writing by the Local Planning Authority.

Reason: For the protection and conservation of priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

13. No development shall commence until details of a lighting strategy, designed to be sensitive to bats, and the timing of any construction works during the period March to October (inclusive), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: For the protection and conservation of priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

14. There shall be no land raising in the areas defined at flood risk on the Environment Agency Flood Map for Planning (Rivers and Seas).

Reason: To ensure there is no additional flood risk as a result of the development in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

15. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Planning Policy EQ7 of the South Somerset Local Plan (2006-2028).

Informatives:

01. The applicant is advised that there must be no building within 3 metres of existing sewers crossing the site and no tree planting within 6 metres. There must be no surface water connections to these existing sewers. The discharge of surface water at an attenuated rate to a watercourse will require the approval of the Planning Authority and the Local Lead Flood Authority. The applicant is further advised to consult with Wessex Water for further advice in relation to adoptable standards for drainage.
02. Further advice on the Himalayan Balsam on the legal position and how to deal with it can be found at:
<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

Land Drainage Consent

Under the terms of the Land Drainage Act 1991 the prior written Land Drainage Consent of the Lead Local Flood Authority (Somerset County Council in this case) is required for any proposed works or structures that could affect the flow of an ordinary watercourse (all non-main river watercourses/streams/ditches etc). To discuss the scope of their controls and please contact Flood Risk Management Team at Somerset County Council.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>
