

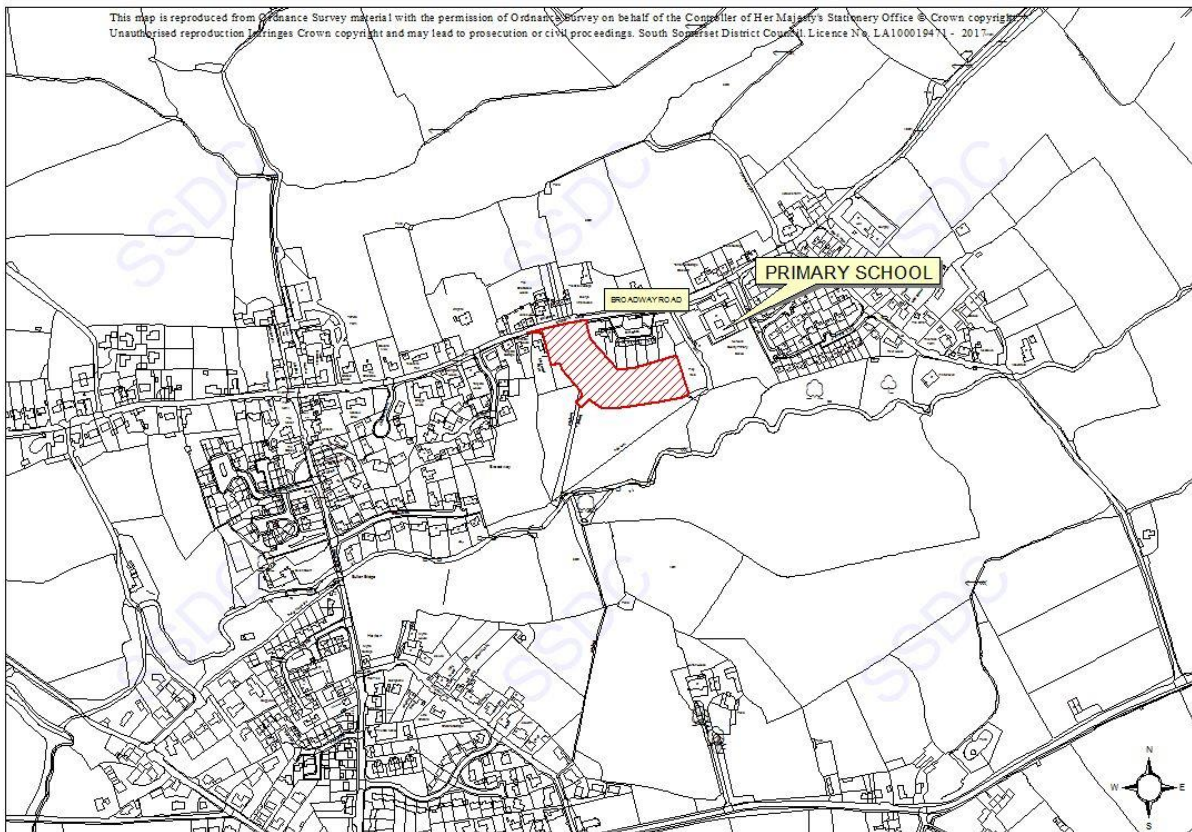
## Officer Report On Planning Application: 16/03982/OUT

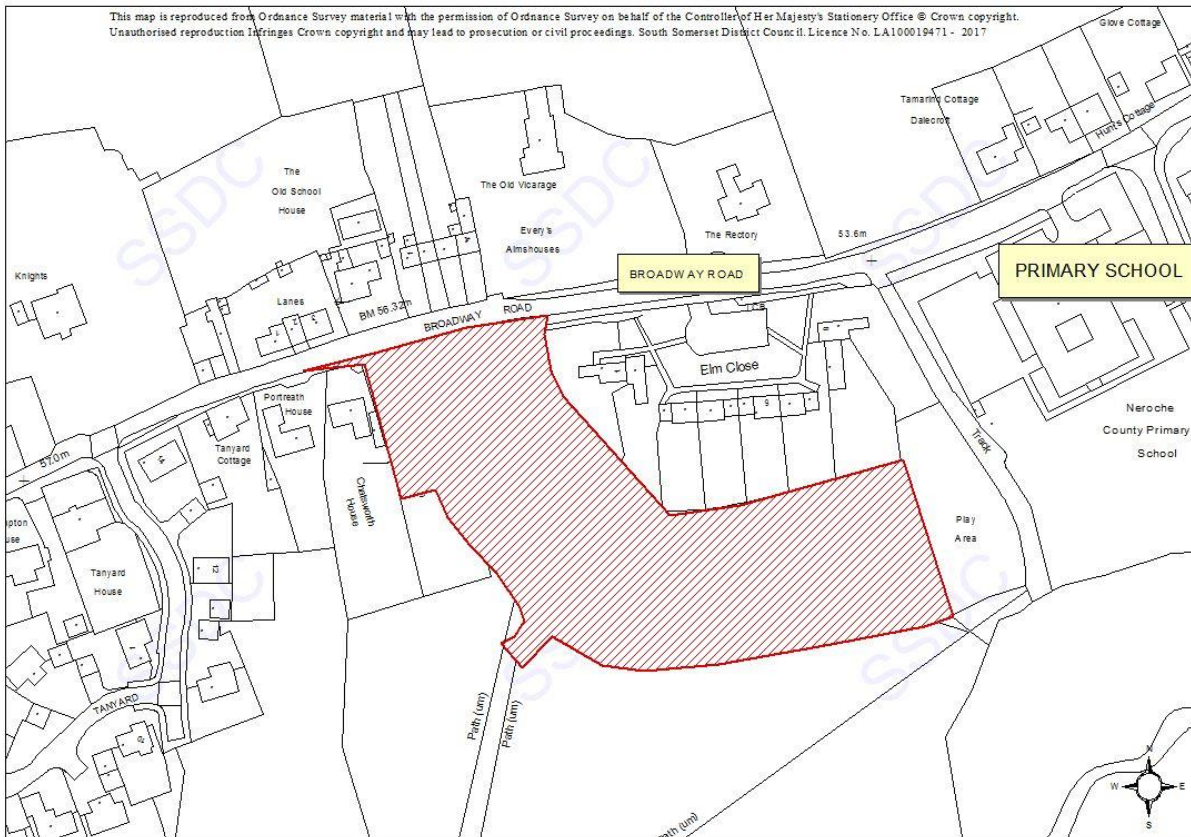
<b>Proposal :</b>	Outline application for residential development (for up to 10 No. dwellings) with associated vehicular access arrangements, relocation of parking for Norbeth and The Bell Inn (Revised Application).
<b>Site Address:</b>	Land Rear Of The Bell Inn Broadway Road Broadway
<b>Parish:</b>	Broadway
<b>NEROCHE Ward (SSDC Member)</b>	Cllr L P Vjeh
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date :</b>	16th December 2016
<b>Applicant :</b>	G Pavier & M Baird
<b>Agent: (no agent if blank)</b>	Shaun Travers Boon Brown Architects Motivo Alvington Yeovil Somerset BA20 2FG
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

In order for the views of local residents to be given due consideration

### SITE DESCRIPTION AND PROPOSAL





This is an outline application for residential development comprising of up to 10 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 and reserved matters 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.

The application follows a previous refusal of outline permission within the same site, although with a smaller site area.

## HISTORY

15/04866/OUT: 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- Refused- Appeal lodged.

Adjacent site:

16/03261/REM -Application for residential development of 16 dwellings, associated parking, landscaping and formation of access(reserved matters of 14/03636/OUT).

14/03636/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 proposal was considered at a meeting of Broadway Parish Council held on 5 October 2016 and the changes which have been made to a first application for the development of 26 houses on this site were noted. However the Parish Council still objects to the revised proposal for the following material planning reasons:

#### **Access**

The proposed access to service any number of houses on this site is considered to be of an inadequate and inferior design. Please find attached photographs which show the proposed width of the access, between the Bell Inn accommodation and the neighbouring property 'Norbeth,' and indicates the first white line as being approximately the width of the opening. I am also forwarding a photograph of the access into Standerwick Orchard, the last significant development in Broadway, which illustrates not only its suitability but reflects coherence with the style of access which have been created into earlier

Broadway estates (photographs of Lamparts Way & Carlan Stepps as examples). It is significant that earlier accesses, some of which date back over 40 years, appear much more fit for purpose especially in the present day when the volume of vehicles has increased so dramatically. It is therefore felt that it would be completely unacceptable for such a narrow configuration to be approved. A request has been made to Somerset Highways for a site meeting with the Parish Council in order to discuss this matter and therefore it is requested that no planning decision should be made until this meeting has been held.

#### Impact on the environment and amenity of the area

There are concerns regarding the cumulative impact of this proposed development along with the other already proposed development in the Parish. Broadway Parish is considered to be lacking in amenities to support any more significant housing development and has an ongoing problem with sewage and surface water flooding which, to date, has failed to be addressed (photographs attached). The photographs selected show clearly the inability of the drains to cope especially as the photographs were taken on a bright, fine day at least 24hrs after heavy rain on 3 January 2016. The sink cover is on Broadway Road between Tanyard and Carlan Steps.

#### **Somerset Waste Partnership:**

We are pleased to be able to support you in fulfilling your statutory obligations to provide adequate storage space for household waste and to provide adequate access for collection of waste from the property.

Please refer to our document "SWP Design Requirements for Residential Properties", which can be found by visiting [www.somersetwaste.gov.uk](http://www.somersetwaste.gov.uk) and clicking "Business Advice". This document should hold the information you require. However if you need specific advice which is not answered in this document please contact Somerset Waste Partnership at [enquiries@somersetwaste.gov.uk](mailto:enquiries@somersetwaste.gov.uk) and, resource permitting, we will try to help.

#### **SSC Highways:**

##### First Response:

I am aware that the Highway Authority has previously made comments on the site, most recently in February 2016, planning application 15/04866/OUT, which was an outline application for up to 25 dwellings. This submission is an outline application for up to 10 dwellings which represents a significant decrease in vehicle movements from planning application 15/04866/OUT where the Highway Authority raised no objections to the application.

The average dwelling will generate 6-8 vehicle movements per day which would mean that the site is likely to generate approximately 80 vehicle movements per day based on the higher figure of vehicle movements. The application proposes to relocate the parking for the pub and the neighbouring dwelling within the internal area of the proposal. The Highway Authority did not raise an objection to the previous application which was for a higher number of dwellings and as such the vehicle movements and traffic generation would not be deemed to create a severe impact under section 4 of the National Planning Policy Framework (NPPF) ergo, it would be unreasonable for the Highway Authority to recommend refusal on this aspect of the proposal.

When consulting drawing number 14934/03/T01 the applicant proposes to utilise visibility of 2.4x43 metres which is compliant with Manual for Streets (MfS). However, the visibility to the west is measured 1 metre from the edge of the carriageway which would provide less than 2.4x43 metres. However, from my onsite observations (during school pick up time) it was observed that vehicle speeds were approximately 20mph. MfS can be used to establish the required visibility and for 25mph the required visibility would be 2.4x33 metres which is achievable to the nearside carriageway edge.

When consulting drawing numbers 14934/A3/T01A and 14934/A3/T02 it is apparent that an 11.4 metre long refuse lorry can access and egress the site from the proposed junction.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).

When consulting drawing number 3448/PL/102 (within the TA), it shows 4 parking at the front/side of the pub. The Highway Authority has concerns that there may not be enough space for vehicles to turn around and enter the highway (Broadway Road) in a forward gear with the realigned wall. From this drawing, it is not clear if the spaces will be accessed from Broadway Road or from the estate road and clarification should be provided. However, the Highway Authority would prefer that the applicant move the spaces to the south and have them all perpendicular to the estate road, then these can access from the estate road a suitable distance from the proposed junction.

The applicant proposes to connect the estate road with a footway with the existing highway on Broadway Road to allow access to the village amenities. Currently there is not a designated footway that runs along the front of the pub on Broadway Road. The Highway Authority would require the applicant to install a full footway along the front of the pub to deliver a continuous pedestrian access through the village. The applicant should be made aware that they would likely have to enter into a suitable legal agreement with the Highway Authority for these works to be conducted.

When looking at the site plan, there are various Rights of Way issues within the proposal. The applicant would have to be aware that any changes to these would require a consultation with the Rights of Way team within Somerset County Council.

Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application and in the event of permission being granted, I would recommend that the following conditions are imposed:-

1. At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan Drawing Number 14934/03/T01. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
2. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). 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 and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.
3. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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.
4. No work shall commence on the development site until the developer has submitted and had approved by the Local Planning Authority details of the footway to be provided along Broadway Road. No part of the development hereby permitted shall be occupied until the approved footway has been constructed.

Note:

The provision of these footway works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

Second response- (In response to clarification on parking spaces.):

In principle the Highway Authority does not wish to raise an objection to the drawings that have been submitted. Having discussed the 2 parking spaces perpendicular to the estate road and the two to the front of the pub, they will not be connected (the spaces perpendicular to the estate road cannot be accessed from Broadway Road) and not encourage movements onto the estate road other than the proposed junction. I am happy that vehicles can access the highway in a forward gear and would not increase the possibility of excessive movements on the highway.

There is a clear separation for pedestrian and vehicles along Broadway Road with the proposed footway and would still allow for service vehicles, such as draymen, to access the pub.

The Highway Authority raises no objections to the proposed drawings.

**SSDC Highway Consultant:**

(Comments in response to clarification on parking spaces):

The section of wall running parallel to the new estate road located to the rear of the proposed footway should be no higher than 600mm above adjoining road level so that visibility to pedestrians (including children) walking along the pavement, for drivers emerging from the two car parking spaces located off the estate road, is not impeded. The same requirements should apply to the frontage to Broadway Road (to the rear of the footway); however, given that there is an existing access (to the pub) from Broadway Road and given the height of the existing frontage wall, the erection of a 900mm high wall would represent a reasonable compromise provided it is located to the rear of the 2.4m x 43m easterly visibility splay at the junction of the new estate road with Broadway Road.

The details shown on the submitted plans appear to show that there would be no impediment to vehicles driving between the two banks of car parking spaces. At reserved matters stage, I would recommend that measures are proposed to prevent any inter-routing of vehicles between the two banks of parking.

**SSDC Landscape Officer:**

I recollect this site from the previous application. The site is a large grass field, currently grazed at low-intensity, which lays to the south of the main Broadway Street. It is the main contributor to an open pasture area that separates the Tanyard/Brookside Close development area 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, although two areas have recently been found acceptable by the Planning Inspectorate. 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 northeast 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 River Ding, such that the main area of the field remains open, to enable public passage across the open space to continue. 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, 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 an over-riding basis for refusal of this application.

**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:-**

Comments have not been received under this application. The application was discussed with the Environment Agency who confirmed that previous comments apply.

Previous comments- 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:-**

No objections. Standard informatives recommended in relation to connection to existing infrastructure.

**SSDC Ecologist:-**

Previous comments apply- 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.

**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 Sports, Art and Leisure:-**

Request a total contribution of £2,889.00 per dwelling towards local and strategic facilities with an overall total contribution of 28,894.00 (assuming 10 dwellings are built).

Breakdown as follows:

Local facilities:

Equipped play space- £23,705

Strategic Facilities: Nil

Commuted sum total- £4903.00 (play areas, youth facilities, playing pitches/changing rooms)

**Conservation Officer:-**

Comments on previous proposal:

There are some historic properties close to the site, with the Almhouses 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".

**Crime Prevention Design officer:**

I would seek to clarify the proposed access to the play area and school?

**REPRESENTATIONS**

Following consultation objections have been received from 6 nearby properties. The following objections are raised:

- Concerns over density
- Concerns over cumulative number of dwellings being developed in Broadway/change in character of the village.
- Loss of green space.
- Dangerous access from Broadway Road- busy, narrow, congestion, inadequate pedestrian facilities, additional traffic from other developments.
- The field flooded during the winter of 2013/14.
- The development could increase flood risk in the area.



- Wildlife along the river should be protected.
- Inadequate sewerage infrastructure causing problems at Suggs Lane.
- Unsustainable location- not enough amenities.

## **CONSIDERATIONS**

### **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. Overall the proposed site accords with planning guidance which supports the principle of housing where it is located within settlements that have a reasonable level of services and facilities rather than more remote locations in the open countryside.

It is further noted that in allowing the appeal for the adjoining site, the planning inspector for the scheme of up to 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".

### **Number of dwellings proposed:**

The applicant has not submitted an indicative layout, however these details would be part of a reserved matters submission. The application is for up to 10 dwellings within the site. It would be for a developer to assess the market demand which would affect the composition and final number of dwellings proposed.

### **Landscape Character/ Visual amenity/Listed Building:**

The Landscape Officer has noted the amendments to the scheme compared to the previous proposal for 25 dwellings and comments on the sites characteristics as contributing to local distinctiveness and being a component of a strategic landscape space between Broadway and Horton and on this basis that an in-principle case for refusal against Policy EQ2 could be made.

In terms of the detail of the proposal, the submitted plan indicates that development would be constrained within the north eastern edge of the open space and the Landscape Officer notes that this would assist in assimilating the development into its wider context. Overall, considering the lack of 5 year land supply and the relationship to other 'modern' development to the west of the site it is considered that the development represents 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 positive weighting that is given to the benefits of housing whilst the Council cannot demonstrate a 5 year land supply. Accordingly it is considered that the proposal would accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

### **Listed Building:**

There is a grade II listed building located to the northern side of Broadway Road. The Council's Conservation Officer considered that with appropriate treatment of boundary walls and highway details such as appropriate tactile paving and materials to the pavement in front of the public house the proposal would be acceptable. It is considered that given the limited scale of the access and the partially modern context it is considered that there would be no harm to the setting of the listed building as a result of the proposal.

### **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. The County Highway Authority have confirmed that they have no objections to the proposal subject to conditions relating to various technical matters.

Whilst not raised by the Highway Authority under the previous application, under this proposal concern was raised over the lack of clarification on the access plan in terms of whether cars would access the four spaces to the side of the public house via the estate road or via the existing entrance at the front of the public house. In response to this the applicant has liaised with the Highway Authority to amend the plans. Amended plans were received which illustrate access for 2 spaces from the estate road and 2 spaces from Broadway Road. The Councils Highway Consultant has commented that there is no impediment to vehicles between these two banks of spaces. A planning condition is therefore recommended in order to provide measures to prevent any inter-routing of vehicles between the two banks of parking. In relation to the amended plans, the Highway Authority have commented that these amendments are acceptable. These amended plans have been circulated on a 14 day re-consultation. Members will be provided with a verbal update on the responses to the re-consultation at committee.

The amended site plan illustrates a 600mm high wall running along the frontage with Broadway Road and turning along the site of the estate road upto the 2 parking spaces. The Councils Highway Consultant has commented that the proposed stone wall fronting Broadway Road can be 0.9 metres high and it is considered that this would be a more acceptable compromise given the character of the area and the sensitivities of the site opposite to a Grade II Listed Building. An amended plan will be sought illustrating this detail and members will be provided with a verbal update at the committee meeting. It is considered necessary and reasonable to include an addition planning condition relating to further details of this boundary and the boundary arrangements to the side of the adjoining dwelling, Norbeth. The wording of this condition will be provided to members at the committee meeting.

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 Alms houses. 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 Alms houses.

#### **Residential Amenity:**

Objections have been raised with regard to the general disturbance from the increase in traffic, lighting, and 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 during the construction phase.

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.

#### **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. Accordingly, EPU have suggested a condition to report certain findings once the development is commenced.

#### **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 Council's Ecologist has commented that a 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 Council's Ecologist has requested a further planning condition requiring a management plan for the open space, including ecological enhancements.

### **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. In line with NPPG guidance the contributions identified do not include tariff based contributions that contribute to a 'pooled funding pot'.

The Council's Sports and Leisure department have assessed the impact of the proposals and liaised with the local community to identify specific local projects for improving and securing local facilities in order to mitigate the impacts of the development.

An overall contribution of £2,889.00 per dwelling is sought. The figure is expressed on a per dwelling basis as the set number of dwellings that may come forward at reserved matters stage is not known.

Overall it is considered that the contributions and their supporting evidence as set out by the Council's Community, Health and Leisure department would accord with the appropriate requirements of Regulations 122 and 123 of the Community Infrastructure Levy Requirements 2010 (as amended).

## **CONCLUSION**

It is considered that provision of up to 10 dwellings would be acceptable in principle within this sustainable location. The means of access has been considered by the Highway Authority and is considered to have no adverse impact on highway safety. Financial contributions towards local facilities are considered necessary to mitigate the impact of the development.

### **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 Contribution of £2,889.00 per dwelling towards local facilities.

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 reserved matters submission shall be for residential development not exceeding 10 dwellinghouses or 1,000 square metres of floorspace.

Reason: To ensure an appropriate levels of planning obligations in accordance with the relevant sections of the NPPG and the National Planning Policy Framework.

03. At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan Drawing Number 14934/03/T01. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: 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. 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).

05. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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).

06. 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).

07. No work shall commence on the development site until details of the footway to be provided along Broadway Road. No part of the development hereby permitted shall be occupied until the approved footway has been constructed.

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

08. 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).

09. 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).

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). 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).

15. No development shall be commenced until details of development for the purpose of physically segregating the two parking spaces to be accessed from the proposed estate road from the two parking spaces accessed from Broadway Road, as shown on plan No. 14934/05/T02, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the parking spaces first being brought into use and shall remain in perpetuity unless otherwise agreed 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).

### **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>
03. 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>

04. The applicant is advised that the provision of the footway works will require a legal agreement



and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

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