

## Officer Report on Planning Application: 14/02107/OUT

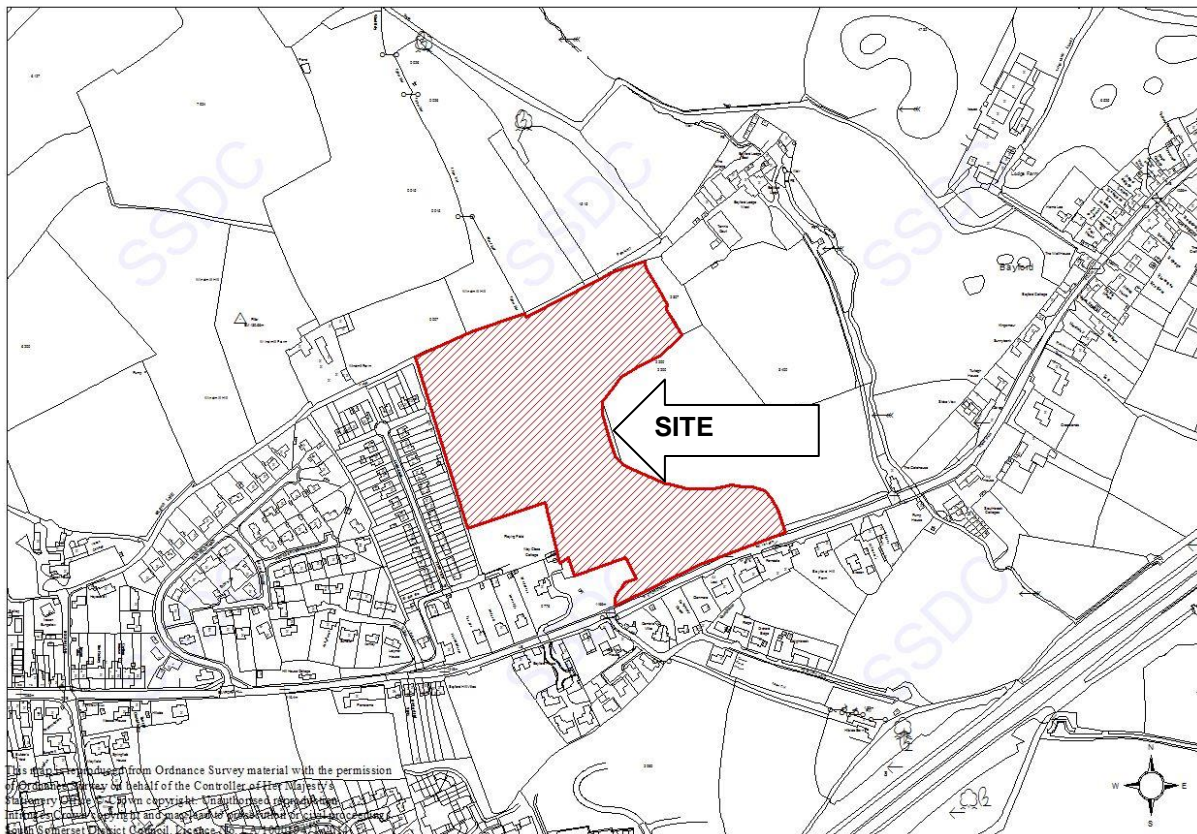
<b>Proposal :</b>	Outline application for residential development of up to 100 affordable and market dwellings, associated infrastructure and public open space (GR:371878/129017)
<b>Site Address:</b>	Windmill Farm Grants Lane Wincanton
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Member)</b>	Cllr Nick Colbert Cllr Colin Winder
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	12th August 2014
<b>Applicant :</b>	Rackstraw Limited
<b>Agent: (no agent if blank)</b>	Mr Ian Woodward-Court 5 Strand Court, Bath Road, Cheltenham, Gloucestershire, GL53 7LW
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

This application for residential development that sits across Ward boundaries is referred to committee at the request of the Ward Members and the support of the Area Chair and Development Manager to permit Members an opportunity to consider the issues relating to this major application.

### SITE DESCRIPTION AND PROPOSAL





The application site comprises an area of some 4.99 Hectares and is located immediately East of Penn View, the existing urban edge is within the saddle of the hill top, with the application site occupying the eastern slope that faces towards Bayford and the old A303 from which direction the site is easily viewed.

The south of the application site is bounded by Bayford Hill and a prominent linear tree belt, and across the road is loose roadside development that continues between the Bayford and Wincanton built up areas. The parish boundary divides the site running north to south across the site with the predominant part of the site within the parish of Stoke Trister.

The proposal seeks outline planning permission for up to 100 house and access but with all other Matters Reserved; namely, Appearance, Landscaping, Layout and Scale. The applicant has submitted illustrative layouts and the following supporting documents:

- Planning Statement,
- Development Vision Document,
- Landscape and Visual Impact Assessment,
- Landscape Evaluation of Alternative Peripheral Sites,
- Outline Travel Plan,
- Transport Assessment,
- Ecological Appraisal,
- Arboricultural Impact Assessment and Tree Protection Plan,
- Flood Risk Assessment and Drainage Strategy,
- Preliminary Risk Assessment,
- Historic Map Pack,
- Archaeological Desk-Based Assessment,
- Housing Land Supply Commentary,
- Community Consultation, and

- Agricultural Land Classification.

In addition supplementary letters have been received from the applicant that consider the arboricultural and landscape officer responses.

## **RELEVANT HISTORY**

14/02383/EIASS - Request for a screening opinion in respect of a residential development of up to 100 affordable and market dwellings, associated infrastructure and public open space - EIA not required.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST3 Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST9 - Crime Prevention

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

TP1 - New Development and Pedestrian Movement

TP2 - Travel Plans

TP4 - Road Design

HG7 - Affordable Housing

CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development

CR4 - Amenity Open Space

## **Emerging Local Plan (ELP)**

Whilst limited weight is accorded to the emerging local plan (2006 – 2028), it is to be noted that Wincanton is designated a “Market Town” where emerging policy SS5 would apply. This suggests that Wincanton should grow by at least 703 dwellings over the plan period, of which there were 698 commitments as of April 2012, i.e. an outstanding need for 5 houses.

Given the substantial commitments, it has not been considered necessary to indicate a ‘Direction of Growth’ for the town. However, as of March 2014 permissions had been granted for 37 further dwellings in Wincanton. Subsequently, in the course of the re-opened local plan examination the proposals for Wincanton have come under scrutiny and the Council has agreed to review the position. Accordingly further ‘Main Modifications’ (MMs) are proposed and are under consultation. MM12 would amend the third paragraph of SS5:-

*Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out*

*below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres.*

Chapter 13 (Implementation and Monitoring) would have the following added after para. 13.5 (this would also be a footnote to SS5):-

*An early review of policy relating to housing and employment delivery in Wincanton will be undertaken as part of the proposed Site Allocations Development Plan Document process; this will commence within two years, with the objective that the review will be completed within five years of the date of adoption of the Local Plan.*

#### **National Planning Policy Framework (March 2012):**

Chapter 4 - Promoting sustainable transport  
Chapter 6 - Delivering a choice of high quality homes  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting Healthy Communities  
Chapter 10 - Meeting the Challenge of Climate Change  
Chapter 11 - Conserving and Enhancing the Natural Environment

#### **Other Relevant Documents**

Somerset County Council Parking Standards (September 2012)  
Somerset County Highways' Standing Advice (June 2013)  
Stoke Trister with Bayford Parish Plan - Draft May 2014  
Wincanton Peripheral Landscape Study (2008)

#### **CONSULTATIONS:**

**STOKE TRISTER WITH BAYFORD PARISH COUNCIL** unanimously recommend refusal:

- New residential and trading estate development and all associated infrastructure makes use of land to the West of the town. Most importantly the traffic generated has direct access to the A303 without going through the one-way system into the centre of Wincanton. SSDC have identified further land which is still available in this area, where development could take place without causing serious traffic issues and much loss of amenity for local residents. Consequently the proposal on the East side of the town would be contrary to the local plan's designated development expansion area for Wincanton.
- There are still brownfield sites available in the town and enough new housing has already been built or allocated to cater for the town's planned expansion.
- Wincanton is already suffering from an imbalance between housing development in recent years and employment.
- Wincanton's primary schools have reached capacity even before current developments are completed, and the Health centre is struggling to cope.
- Highway concerns in the locality of Bayford Hill with the increase in traffic
- Walking is limited by the steep hill to the Windmill Farm site that results in the use of the car and the traffic survey figures should reflect this.
- The 'Outline Travel Plan' makes very optimistic suppositions about residents walking or cycling into town from the new site.
- The proposal would urbanise the major slice of the current pastureland that represent an unacceptable impact on Bayford's separate rural village identity.
- The historic boundary hedgerow should not be destroyed.

- Should a conservation order be needed for any of the mature trees.
- There is concern that important wildlife habitat will be destroyed and request proper surveys are carried out.
- Features of archaeological importance have been found not far from the application site and as such there is an argument that before development an archaeological survey should be more than just desktop.
- Development of the application site would risk significant increased flooding risk to Bayford Lodge, its surrounds and the river Cale downstream.
- Flood risk from the proposed development

**WINCANTON TOWN COUNCIL (adjoining)** - unanimously recommends refusal of this application:

- This application does not conform to the embryonic Local Plan in that the number of Dwellings allocated to Wincanton has already been met. Although the Local Plan has not been adopted, the Minister for Planning stated in Parliament that due weight should be given to Local Plans that have been submitted to the Inspector for examination, which is the position of the SSSC Plan.
- While the Local Plan dwelling numbers are a minimum, the infrastructure to go over these numbers must be in place and this is not the case in Wincanton. There is insufficient employment land in the town. Additionally, there are insufficient primary school places to support the level of development already approved. To increase the level of development further at this point would cause demonstrable harm to the town's wellbeing.
- The development site is Grade 2 and Grade 3a agricultural land. Once built on this land is lost forever to agriculture. Brown field sites should be used before quality agricultural land is developed. The NPPF is clear that policies should be put in place to safeguard the long term potential of the best and most versatile agricultural land which it defines as Grade 1, 2 and 3a. (OFFICER NOTE: The submission does identify some Grade 3A land but the majority is 3B).
- The geology of the site is not suitable for development. Council believe the site would cause further flooding to Bayford and the Town.
- Council are concerned the site is not in a sustainable location. The often quoted Verrington Hospital application appeal (11/02835/OUT) was lost on the grounds that that site was not in a sustainable location.
- The site is reasonably close to the town centre with its shops, services and public transport links, but there is little provision for public transport from the site to the town centre. Council believe that given the location and lack of realistic modes of travel, future occupiers of the proposed development are likely to be unduly dependant on the private car for access to employment and many of their daily needs.'
- On the 27th March 2012 the Minister of State, Department for Communities and Local Government published the National Planning Policy Framework. That day a letter went to every planning authority which stated "The policies in the framework apply with immediate effect".
- The Minister of State said "they (the NPPF) establish a presumption in favour of sustainable development", he went on to say "it is crystal clear that sustainable development embraced social and environmental as well as economic objectives, and does so in a balanced way".
- Council would like to see a full Habitat Regulation Assessment, an up to date archaeological survey and a full Traffic and Tree Survey.
- While SSSC has no adopted Local Plan, the NPPF states there is a presumption in favour of sustainable development unless demonstrable harm will be caused. The opinion of the Town Council was that this application will cause demonstrable harm to the town, therefore it recommends refusal.

**CHARLTON MUSGROVE PARISH COUNCIL** (adjacent) strongly opposes this development as it considers the correct infrastructure is not in place to support this type of large development.

**SSDC PLANNING POLICY** offers the policy context as:

*The National Planning Policy Framework (NPPF), at Paragraph 14 sets out a presumption in favour of sustainable development. For decision-making on planning applications this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *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 NPPF also states that planning applications should be considered in the context of the presumption of in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the LPA is unable to demonstrate a five year supply of deliverable housing sites (paragraph 49).*

*As you are aware following District Executive on 5 June 2014 the Council now considers that it does have a demonstrable 5 year supply of deliverable housing land (including a 20% buffer).*

### **Development Plan**

*The development plan for South Somerset currently consists of the 'saved' policies of the adopted South Somerset Local Plan 1991-2011.*

*Having regard to these policies, the principle of developing in the location would not be accepted, as the development site is outside of the Development Area. In locations beyond the Development Area development is strictly controlled and should be restricted to that which would maintain or enhance the environment, benefit economic activity and not foster growth in the need to travel (see saved Policy ST3).*

*Whilst Policy ST3 is in line with the general thrust of the NPPF, the Council recognises that it is not entirely consistent. In these circumstances the NPPF sets out that "due weight" should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). It would therefore not be appropriate to fully determine the applications based on the extant Local Plan (1991 – 2011).*

*Meanwhile, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (i.e. the more advanced the preparation, the greater the weight that may be given). As such, the Council considers that the emerging Local Plan (2006 – 2028) should be afforded increasing weight during decision-making.*

*The emerging Local Plan (2006 – 2028) identifies Wincanton as a Primary Market Town and Policies SD1, SS1, SS3, SS4, SS5, SS6, and PMT4 are directly applicable.*

*Under Policy SS5 Wincanton has a housing requirement of at least 703 dwellings, within the context of an overall housing requirement of at least 15,950 dwellings across South Somerset. The Council's position is that there are substantial existing residential commitments in Wincanton, which results in only a small residual housing requirement (5 dwellings) for Wincanton over the rest of the Local Plan period.*

*However, Main Modifications to the emerging Local Plan propose a permissive approach for considering housing growth in Wincanton, prior to the adoption of the Site Allocations DPD. The Main Modifications enable the Council to consider proposals adjacent to the development area, whilst taking account of the overall scale of growth and the wider policy framework in the Local Plan. The emphasis therefore in decision-making should be on considering how the proposals will impact and/or maintain the established settlement hierarchy and ensure sustainable levels of growth.*

### **Conclusion**

*In conclusion, the starting point is that the application is contrary to extant policy ST3 within the adopted Local Plan (1991 – 2011). However, given the advice in the NPPF, and the permissive approach set out in the emerging Local Plan (2006 – 2028), it is important that the impacts of the application are balanced against the benefits of the scheme.*

*As one of four Primary Market Towns in South Somerset further housing growth in Wincanton in excess of the remaining 5 dwellings cannot be ruled out in principle. However, the Council has concerns over the impact of additional dwellings exceeding the remaining housing requirement set out in the emerging Local Plan. This is heightened when the cumulative impact of the current applications in Wincanton are considered alongside one another (i.e. Verrington Hospital, Windmill Farm, and Dancing Lane). Whilst accepting that each application must be determined on its merits, the cumulative impact of up to 190 dwellings in Wincanton must be taken into account, especially given the scale of existing commitments. Decision-making will therefore need to take into account the comments of other consultees on site specific impacts and benefits (i.e. highways, education, health, flood risk, heritage and landscape) in order to carry out the balancing act and understand whether these impacts render the proposal unacceptable.*

**SSDC LANDSCAPE ARCHITECT** - I can confirm that I have reviewed the revised LVIA, which usefully updates the assessment of the proposal site to include additional receptors to the east of Windmill Hill. I would agree with the LVIA that prospect of the site is contained in most part by woody vegetation and topography, in views from the north, west and south. The majority of views toward the site are concentrated in the (broadly) NE quadrant and particularly centred on Bayford and its containing hillsides.

Relative to this area of local receptors, the LVIA supplies a number of photographs that are used to evaluate the likely impacts of development upon the local landscape. Of those representing Bayford, indicate a potential medium adverse visual effect. However, these receptors are representative of a number of other, adjacent rights of way; local properties; and the main street (formerly a turnpike road) through Bayford, and it is fair to say that much of the hamlet and its immediate environs will be subject of this adverse effect arising from development. I would reiterate that the potential impact of development upon the rural setting and singular identity of Bayford to be substantially adverse. The setting of the hamlet is tightly

defined and contained by the local topography, yet it still enjoys a clear sense of separateness from Wincanton, whose presence is limited to a skyline profile only, the main setting of the town laying to the far side of Windmill Hill, with minimal visual correspondence. The proposal clearly will bring urban development into this setting, introducing a massing effect; and a forward projection of development scale; as well as introducing night-light and vehicular movement associated with both the main access road into the site, and the frontage estate roads that will be clearly apparent across the Bayford valley, much of it in a dominant position in relation to the lower ground of the hamlet. The proposed form of access off the old turnpike road, will break-up both a traditional stone wall and an established tree line, to further erode local character. Consequently I maintain that landscape grounds remain a basis for refusal, LP policy ST5 para 4.

Given the policy officer's comments the Landscape Architect has been asked to consider the cumulative impact of this development with others currently proposed at Verrington Hospital (12/00660/OUT / 14/00838/OUT) and Dancing Lane (14/01704/OUT). The following comments have been provided:-

*Whilst I take this to relate primarily to matters of infrastructure and services, it can also embrace cumulative landscape impact.*

*Currently I am aware of 3 significant sites that are subject of applications within Wincanton, i.e; by Verrington hospital; off Dancing lane; and Windmill Hill. Whilst in close proximity, the sites are separated by both development form, and a mix of topography, and woody vegetation, to thus avoid the presence of additional built footprint within a shared landscape. There are no local public vantage points that perceive all 3 sites within the same view, and theoretically it is only from the upper stands of Wincanton racecourse from which one may get a public view of both the Verrington and Dancing Lane sites. Whilst I have not been able to test this view, I note that both sites back onto an established development edge, and are barely seen through intervening hedgerows – hence this amounts to very little change in the view. I also note that there is no particular sense of the sites being experienced as a sequence, as they are not related to common routeways and/or regional trails. Consequently I consider that a sense of development proliferation within the locality is not at a point where it is adversely impacting upon local character, and given the topographic and physical separation of the sites, it is not anticipated that cumulative impact will be an issue with this application.*

**SSDC TREE OFFICER** - I object to this proposal on the basis that I believe it to be contrary to the Council's aims to preserve existing landscape features (trees) in accordance with the objectives within saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended).

This site has linear tree groups and open-grown parkland trees that provide significant arboricultural value. The benefits are diverse, from landscape screening and visual amenity, to ecological habitat.

The linear woodland on the Southern boundary adjoining Grant's Lane is the largest component. It is proposed to construct a Highways access through this group, which is likely to have a significant adverse impact, particularly considering the visibility-splay requirements and the re-alignment of the retaining wall.

Mature group-grown trees form aerodynamic relationships which become highly dependent upon each other for their mutual health & stability. Both crowns and root-systems often become communal in nature. Group-grown trees are particularly vulnerable to the removal of



individual members, particularly those trees that form a mature edge-structure against prevailing winds. I am concerned that the impact of the proposed Highways access would be much greater than that which has been portrayed.

Whilst I appreciate the outline nature of the layout, I also have concerns about the proximity of proposed housing to the linear tree groups on the Western side of the site. Originally lapsed hedgerows, there are many established Sycamore trees. They provide effective screening of the adjoining housing to the West, from the wider landscape. They also support significant volumes of aphids, which exude sticky honeydew deposits that drift on the lightest breeze. This can be unpleasant for people to live with, notwithstanding the potential shading issues. The proposed estate roads could also have a significant impact on this important linear feature.

The hedgerow to the West of the site is also a Parish boundary. Under the 1997 Hedgerows Regulations, this qualifies the hedgerow as being 'important' for example, we would be obliged to serve a retention notice in response to a removal notification.

**SSDC ECOLOGIST** - I've noted the applicant's Ecological Appraisal (Engain, 2 May 2014). Having visited the site today, I strongly disagree with some of the findings and conclusions in the Ecological Appraisal, particularly in respect of the potential for dormice and bats to be present and detrimentally affected by the proposed development.

Dormice and all bat species are protected by the Habitats Regulations 2010, to which all local planning authorities must have regard to in the consideration of planning applications (confirmed by case law). This application can't be approved prior to the submission of further information on the presence or otherwise of dormice and bats, and if present, an assessment of impacts, and mitigation and compensation proposals. I recommend this lack of information is a strong ground for refusal.

**NATURAL ENGLAND** - General comments made with reference to their Standing Advice on protected species.

**SOMERSET WILDLIFE TRUST** - We have noted the comments about the condition of the remaining hedges as well as the extensively managed nature of the landscape. In principle we would support the proposed ecological enhancements, and fully support the creation and retention of significant landscape buffer zones and the creation of wildlife corridors.

**COUNTY HIGHWAY AUTHORITY** - The Transport Assessment / Traffic Impact looks at existing traffic flows and models the potential impact of a 120 dwelling development not only on the local road network but also the strategic road network. The result is that a degree of robustness has been built into the document as the developer is only proposing to construct up to 100 dwellings on the site as part of this application, and the traffic impact has been assessed on a 'worst case scenario' basis. The data has been prepared in an industry standard manner, which clearly indicates that when the development is complete and fully operational, it will operate with a level of reserve capacity in excess of 86% and 92% in the AM and PM peak hours respectively which clearly indicates that the junction will operate in a satisfactory manner.

The outline Travel Plan and the additional information in Section 2.5 of the Transport Assessment which outlines how the site relates to the other parts of the town and as a consequence the site is considered to be in an accessible location- that said there are a small number of points that would need to be altered within the Travel Plan relating to technical details, so I have suggested a suitably worded negative planning condition.

The developer has confirmed in Section 4.3 of the Transport Assessment that parking on the

site will be provided in accordance with the Somerset Parking Strategy Document which is acceptable subject to a suitably worded planning condition. The Flood Risk Assessment and its findings are accepted.

There is no highways objection, subject to conditions to include: construction of access, consolidation of surfaces, estate road details, visibility, submission of a construction management plan, discharge of surface water, and the submission of detailed Travel Plan.

**SSDC ENVIRONMENTAL HEALTH** - I note that while the applicant seems to have submitted a transport assessment with this application there is no assessment on the air quality of the development and would like to see a report. I have no concerns on other environmental protection grounds. (PLANNING OFFICER NOTE- This could be conditioned the EHO suggests that it is possibly not an issue however it needs to be quantified.)

**COUNTY ARCHAEOLOGIST** - The Desk Based Assessment indicates the site has potential for buried archaeological remains relating to prehistoric and/ or Roman period activity. At present it is not possible to describe the significance of these remains. I recommend the applicant be asked to provide further information prior to determination of this application. This is likely to require a geophysical survey and a field evaluation (para.128 of the NPPF)

**COUNTY EDUCATION OFFICER** - The increasing cumulative number of primary school aged children in Wincanton means that the two local primary schools are forecast to be significantly oversubscribed this year; and this is likely to be the case for the foreseeable future. A development of 100 dwellings would require 20 primary school places, but these will clearly not be available, so developer financial contributions should be secured in the event that the application is approved, in order to mitigate this additional pressure. A cost of £12,257 is attributed to each school place, so total contributions of £245,140 - or £2451.40 per dwelling - should be required through a Section 106 agreement.

Given the policy officer's comments the County have been asked to consider the cumulative impact of this development with others currently proposed at Verrington Hospital (12/00660/OUT / 14/00838/OUT) and Dancing Lane (14/01704/OUT). The following comments have been provided:-

*SCC has been very concerned about the cumulative impact of several developments for some time and these have been compounded by suggestions that the MoD intend re-housing families with children in the Deansley Way development.*

*I have attached an extract from the most recent School Organisation Plan, which shows the two existing schools significantly over-subscribed without taking the developments below into account.*

*I have been notified that the Dancing Lane application has been reduced to 25 dwellings, but that's still of a total of 180, requiring 36 primary school places being available.*

*The County Council does have a strategy for providing additional capacity in the town, but this would be dependent on being able to secure developer contributions through S106 agreements.*

**SSDC HOUSING DEVELOPMENT OFFICER** - 35% affordable housing split 67:33 in favour of social rent is sought. I would expect 35 affordable units - (based on up to 100 in total) 23 social rent and 12 shared ownership or other intermediate solutions. The property mix proposed based on current Housing Need Register data and existing social housing stock levels in Wincanton: 10 x 1 Bed, 15 x 2 Bed, 8 x 3 Bed, and 2 x 4 Bed.

## **SSDC COMMUNITY, HEALTH AND LEISURE -**

Equipped Play Space - expansion of the existing Penn View play area - £86,402

Youth Facilities - youth facilities as part of expansion of the Penn View play area - £16,965

Playing Pitches - playing pitch provision at Wincanton Sports Ground - £39,857

Changing Rooms - changing rooms at Wincanton Sports Ground - £80,921

Community Halls Rural - community hall facilities in Bayford - £154,901

Theatre and Art Centres - Octagon Theatre in Yeovil. - £31,443

Artificial Grass Pitches - AGP provision in Wincanton (Policy AGP 6) - £8,076

Swimming Pools (Community) - learner pool at Wincanton Sports Centre - £18,389

Indoor Tennis Centres - indoor tennis centre in Yeovil, likely to be at within YSZ - £23,807

Sports Halls (District Wide) - 8 court district wide competition sports hall - £60,890

Overall contribution per dwelling £6 189

**ENVIRONMENT AGENCY** - No objection but recommend conditions for a surface water drainage scheme for the site, and a scheme of the future responsibility and maintenance of the surface water drainage system to be agreed.

**WESSEX WATER** - General comments made and a condition for foul water requested.

**SSDC CLIMATE CHANGE MITIGATION** - General comments made that there should be an expectation that renewables are explicitly described in broad terms even at the outline application stage, especially for developments of this size, because they will impact on the layout and appearance of the development.

## **REPRESENTATIONS:**

There have been 28 (this number excludes additional letters written from the same address) householder letters received of which 1 makes general observations to the effect that if the development were to go ahead substantial vegetation buffers - trees, hedgerows and green space should be preserved. 27 householder letters have objected to the proposal, including a petition with 192 signatures. Objections include the following reasons:

- Prominent position within a predominantly rural landscape
- An adverse effect on the character of the neighbourhood
- Impact on Bayford village losing its distinctive and attractive character and rural nature
- Wincanton is separated from the village of Bayford by the raised saddle of ground that extends from Windmill Hill. This topographic separation places Bayford apart from Wincanton, within an individual valley setting
- If housing development is permitted on this hillside - even if initially only on the upper, western part of the proposed site - it seems inevitable that subsequent planning applications will follow, with the aim of continuing to develop right down to the eastern fringes of Bayford village.
- A housing development on the Windmill Farm proposal site would not conserve and enhance the predominantly rural landscape character of the area or respect its local context. It would have an adverse impact on the landscape.
- The bushes in the middle of the site mark the boundary between Wincanton and Bayford
- Brownfield land not on farmland, stressed by the Chancellor and Eric Pickles
- This is outside the development boundary
- It is laughable for the developer to suggest that this will be a 'truly walkable experience'. How many residents will actually walk into the town for shopping, schools, doctors?

They will drive creating more congestion than we already have at peak times. The return journey is largely uphill.

- King Arthur's School is nearly 1.5 miles to walk, nearly 1 mile to the primary school and over a mile to a major supermarket and over a mile to the doctors.
- Loss of view and no outlook
- Exacerbates existing problems where there is little employment opportunity and pressures on local infrastructure. The town cannot sustain more housing it is at saturation point. In order to maintain a balanced structure to our town education, health transport, employment opportunity pressures need to be addressed. Wincanton is already suffering from an imbalance between housing development and employment to sustain further growth.
- The schools in Wincanton are oversubscribed and at primary level there is no space to build additional accommodation, be it temporary or permanent. Children's education and life opportunities are at stake in this matter and the response from the Somerset County Council Education department fails to explain how the proposed capitation income of £245,000 will, as quoted, 'mitigate this additional pressure'
- The Housing Land Supply commentary is selective whilst correctly identifying that the NPPF makes a presumption in favour of sustainable development, it ignores the guidance at para.17 which states that development must 'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.' The document is premature in concluding 'the planning application for residential development at land to the east of Penn View, Wincanton should be viewed in the context of sustainable development as set out in the NPPF.
- Highway safety and the site entrance is very dangerous with the potential to cause road traffic accidents.
- Ecology and impact on wildlife
- Archaeological survey should be undertaken mindful of a Bronze age skull and bones found on this farm, also a roman villa at Bayford Lodge
- The land is grade 2 and grade 3A agricultural land
- Flood risk, this water course runs into the River Cale, which in turn flows through Wincanton, the aim should be to restrict river flow not increase it.

## **CONSIDERATIONS**

### **Principle of Development:**

The Council presented a report on the five-year housing land supply position to its District Executive Committee on the 5th June 2014. This report stated that the Council can demonstrate a five-year housing land supply, with appropriate buffer. The meeting accepted the conclusion.

With or without a five-year housing land supply it is important to judge an application on its merits, taking account of the impacts and benefits that a scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

The policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date. The proposal is contrary to Policy ST3 however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, in

particular where there are concerns as to the out-of-date nature of existing policies. Under Policy SS5 Wincanton has a housing requirement of at least 703 dwellings, with commitments of up to 698 dwellings. The Council's position is that there are substantial existing residential commitments in Wincanton, which results in only a small residual housing requirement (5 dwellings) for Wincanton over the rest of the Local Plan period.

The planning policy consultation response given in full, above, states that there is a permissive approach for considering housing growth in Wincanton and proposals adjacent to the development area can be considered, while taking account of the overall scale of growth and the wider policy framework in the Local Plan. As one of four Primary Market Towns in South Somerset, further housing growth in Wincanton cannot be ruled out in principle. Accordingly the main considerations include: character and appearance, highways, residential amenity, planning obligations and housing supply.

### **Character and Appearance:**

Development would impose a substantive visual impact on the locality, such that the predominantly rural character of the site and its context would be lost, with the urban form spreading out beyond its confines to impose both an urban character upon a rural setting, and erode the rural setting and singular identity of Bayford.

The development site effectively demarcates the edge of Wincanton, and corresponding with its physical and visual containment, has particular value, and makes it unsuitable for development, in breaking the physical and natural bounds that characterise the town's east, rural edge. The submitted visual studies, along with the Peripheral Landscape Study for Wincanton (2008), indicate the potential for development to impose a substantive visual impact upon the locality.

The fields that are the subject of this application were evaluated by the 2008 Peripheral Landscape Study as having both a moderate (west field) and moderate-low capacity (eastern fields) capacity to accommodate built development. While the applicant's LVIA (landscape and visual impact assessment) and its supporting documentation considers the site well-related to the existing built form of the town, and in most part visually contained, with few impacts greater than 'minor adverse' as likely to arise from development. The Landscape Architect takes issue with this finding, as do the wider public that includes a chartered landscape architect's response to the proposed development.

It is considered that the existing built form represents a strong visual boundary appropriately located within the saddle of the hill top that is part screened by its location. The adjacent trees and hedgerows and the expanse of open pasture land falls away exposed towards Bayford. The topographical separation places Bayford apart from Wincanton. The mitigation proposed includes adding plant screening and additional trees, in part a response to those lost within the area of the proposed access, but such measures are considered of little effect having imposed development and exchanged healthy mature trees that have a healthy lifespan that continue to make a positive contribution to local character and distinctiveness.

The implications in removing odd trees to secure access is another concern, raised by the Tree officer, where there is an interdependent with other trees within the tree belt that would be lost affecting long term health of those that remain. While the intention may be to establish new younger trees, this ignores the existing well-being and the respective lifespans of the trees that would be lost. Their replacement appear to blatantly ignore the positive contribution of existing trees, while the additional plant screening is considered could not favourably mitigate successfully in favour of the impact derived from residential development in this location. This is emphasised by the access arrangements that would clearly breach the roadside containment with the need to gain visibility which is not a 'surgical' operation, but has the effect

of taking in a much wider area eroding character and threatening the dominant linear tree belt with the unintended repercussions referred to above. In consequence of the Tree Protection Orders and the interest raised by the tree belt, an additional drawing is required to show the access, indicating levels, and the respective impact on the trees affected. Notwithstanding, this lack of information there remains a fundamental objection in terms of landscape and character impact.

The applicant refers to the fact that the application seeks outline permission with all matters (accepting access) reserved, and its description refers to 'up to 100' dwellings that arguably allows some flexibility in considering the potential impacts, were a much reduced scheme, for instance, sought. The Landscape Architect refers to street lighting, the presence of traffic and other infrastructure on site. Likewise the impact on the tree belt, roadside wall and general character and appearance including the spread of built form, whether as 'illustrated' or in a reduced form within the easterly slope. It is considered that the potential impacts can be gauged at this stage. Consequently, the proposal would not conserve and enhance the landscape character of the area, nor reinforce local distinctiveness, while it lacks respect for local context.

#### **Highway Safety:**

The Highways Authority has not raised objection to the proposed access and consider that a degree of robustness is built into the statistical information that has been submitted in support of the application. They are supportive of the scheme on the basis that their technical requirements can be achieved and these include the visibility splays across the site's frontage, and have proposed various conditions including a surface water condition.

#### **Resident Amenity:**

As an application for outline planning permission it will be for the Reserved Matters to consider the detailed finishes. At the present time it is considered that the proposal would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

#### **Neighbour and Town/ Parish Council comments:**

All neighbour and Town/ Parish Council objections have been considered, and as appropriate these have been dealt with within the relevant sub-headings of the officer report. Items otherwise not considered include:

The applicant's submission includes the agricultural land classification for the site that records the land to be 3a and 3b (the latter predominates), that identifies moderate quality land and it is not considered reasonable to object on this issue.

Having considered the Desk Top Analysis the County Archaeologist wants further survey work to be undertaken and submitted for consideration before determination of the application, rather than to have such works conditioned. In the event that there was significant archaeology this permits full consideration of the implications before a decision is made, whereas by conditioning there would always be an element of weakness in the approach having accepted the principle of development. At the time of drafting this report the information is awaited from the applicant.

Notwithstanding the Verrington appeal Wincanton should be regarded a sustainable location, as befits a Primary Market Town location so that adjacent development is acceptable in principle. While there are local concerns about the location within Wincanton and the site's relationship to many of the primary services and facilities that are located West of the town, the implications suggest longer journeys made on foot for school children, arguably greater use of the private car, given the location of schools, supermarkets, health centre and the other

attractions that put additional pressure on the one way system. Despite local concerns with the cumulative impact, the Highway Authority have not sought to object. There are paved and lighted streets between the application site and the destinations mentioned above, and on this basis a town allocated for growth, notwithstanding local concerns about the imbalance of employment provision and in particular the evident pressure on school places, it remains that Wincanton and thus the application site should be regarded a sustainable location.

Local concerns have raised the local flooding that has taken place in the immediate area and that the proposed development would result in increased flood risk in turn, however, the development offers an opportunity for additional drainage works that would be conditioned as recommended by the Environment Agency and Highway Authority who otherwise have not objected on the basis of flooding, so that the proposed development is considered would not add to local flooding experience.

### **Housing Supply:**

As noted at the outset of the 'planning considerations' the council has a 5 year housing land supply. At the local level Wincanton has housing commitments that result in an additional 5 dwellings short of their housing target. Such targets represents an 'at least' rather than a maximum figure, with an expectation that Wincanton can take many more. The current applications pending decisions total an additional 192 dwellings, and while not all will necessarily be approved there remains the long term during which further applications must come forward.

As indicated by the Planning Policy consultation response the scale of over development is also important, and the cumulative impact of up to 192 dwellings in Wincanton must be taken into account, but more importantly the scope for further successful applications to come forward in the next few years, especially given the scale of existing commitments, supported by the 'planned' growth for employment sites West of Wincanton suggests the overall housing requirement can be reasonable achieved in market terms and that alternative locations have stronger claim without the environmental implications that the current application gives rise to. In considering the application the council is mindful that acceptable housing sites should be supported and that the housing 'targets' are not limits.

### **Planning Obligations:**

Sport, Art and Leisure contributions are sought and detailed in full within the consultation section of this report. Essentially this equates to a contribution of £6 189 per dwelling.

An affordable housing contribution is sought that would require an affordable housing split 67:33 social rent: intermediate housing.

The financial contribution sought by the Education officer is designed to go towards improved facilities and the applicant is prepared to make the contributions that are requested.

### **Cumulative Impact of Development on Wincanton**

As noted by the policy officer, and to address clear local concerns, it is important to look at the potential cumulative impacts of the scale of growth on strategic and local infrastructure. There is an on-going dialogue with infrastructure providers, both as part of these application and as part of the wider local plan process. Given the revised proposals for Wincanton in the emerging local plan, as expressed in the main modifications, there appears to be no evidential basis to withhold permission on the grounds of significant adverse impacts on local or strategic infrastructure.

The county education authority have confirmed that, subject to securing the requested education contribution there would be no cumulative impact that could not be addressed by

their strategy to provide additional capacity in the town. The landscape architect, whilst maintaining an objection to this proposal accepts that there would be no cumulative impact as the Windmill Farm application would not be readily visible in the same views as the Dancing Lane/hospital sites.

On this basis it is not considered that there would be a significant adverse cumulative impact given Wincanton's role within South Somerset's settlement hierarchy and its overall role and function within the District.

**Other Matters:**

The applicant's response (15.07.2014) to consultee responses is noted. This includes their opinion that certain of their submissions have been 'completely disregarded', in particular the landscape, ecology and tree consultee responses, but it is clear that there is a difference of opinion and that this has been maintained following discussion with the respective opposing professionals. Likewise, the absence of comment by the Somerset Wildlife Trust, who is a voluntary body, should be regarded as no indicator that they would not have had a problem, while the council's ecologist has had the opportunity of discussing his response with his opposite number but maintains his position.

Since the application was submitted Tree Preservation Orders (TPO) have been made within the site. It is understood the applicant is currently disputing the Orders.

**Concluding Remarks:**

There remains the outstanding information required to address archaeology (field surveys), ecology (dormouse survey), and a drawing to show that a safe access can be achieved while protecting the long term wellbeing of adjacent trees. It is understood that the applicant seeks to address such concerns. But, the fundamental objection, and the reason why the council has not sought to agree an extension of time is the adverse impact to landscape and character that would significantly and demonstrably outweigh the benefits from the proposal, and which are considered unlikely to be overcome by further work.

**RECOMMENDATION**

Refuse planning permission

**REASONS**

01. The residential development of this site, by virtue of its topography, the prominent location and the introduction of a suburban form of development would result in a visually intrusive development, at odds with the character of the locality to the detriment of the visual amenities of the locality and the broader landscape character when viewed from publicly accessible vantage points. As such the proposal is contrary to saved policies EC3, ST5, ST6 and ST3 of the South Somerset Local Plan and paragraphs 17 and 109 of the National Planning Policy Framework.
02. The application is supported by insufficient information to understand the potential impact of the proposal to the significance of the archaeology and as such has an unacceptable potential to have an adverse impact upon archaeological assets and is therefore contrary to policy EH12 of the South Somerset Local Plan and paragraph 128 of the National Planning Policy Framework
03. The application is supported by insufficient information to understand the potential impact of the proposal to the significance of the ecology, namely the lack of a dormouse survey that remains outstanding and as such the proposal has an unacceptable potential to have an adverse impact upon ecological assets and is therefore contrary to policy EC8



of the South Somerset Local Plan and paragraph 118 of the National Planning Policy Framework.

04. The application lacks supporting evidence that a safe access can be achieved while protecting the future well-being of the adjacent (TPO's) trees. As such the proposal has an unacceptable potential to have a prejudicial impact upon important designated specimen trees and is therefore contrary to policy ST5 and ST6 of the South Somerset Local Plan and the National Planning Policy Framework.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case the LPA offered pre-application advice that raised concerns, in particular, with the location and landscape implications. However, no satisfactory solution has been forthcoming and no minor or obvious solutions evident that would overcome the fundamental and significant concerns (refusal reason 1) that is caused by the proposal. Given this, notwithstanding the outstanding matters (refusal reasons 2, 3 and 4) that have the potential to be addressed, it would be unfair to delay the decision.