

UPDATE REPORT LAND AT VERRINGTON HOSPITAL, DANCING LANE WINCANTON (ref. 14/00838/OUT)

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PURPOSE OF THE REPORT

To seek Members support in defence of an appeal against the non-determination of outline application for a residential development of up to 55 dwellings and provision of access at Verrington Hospital, Wincanton, ref. 14/00838/OUT.

PUBLIC INTEREST

The report sets out the position it is suggested the Council takes in relation to the current appeal against the non-determination of application 14/00838/OUT.

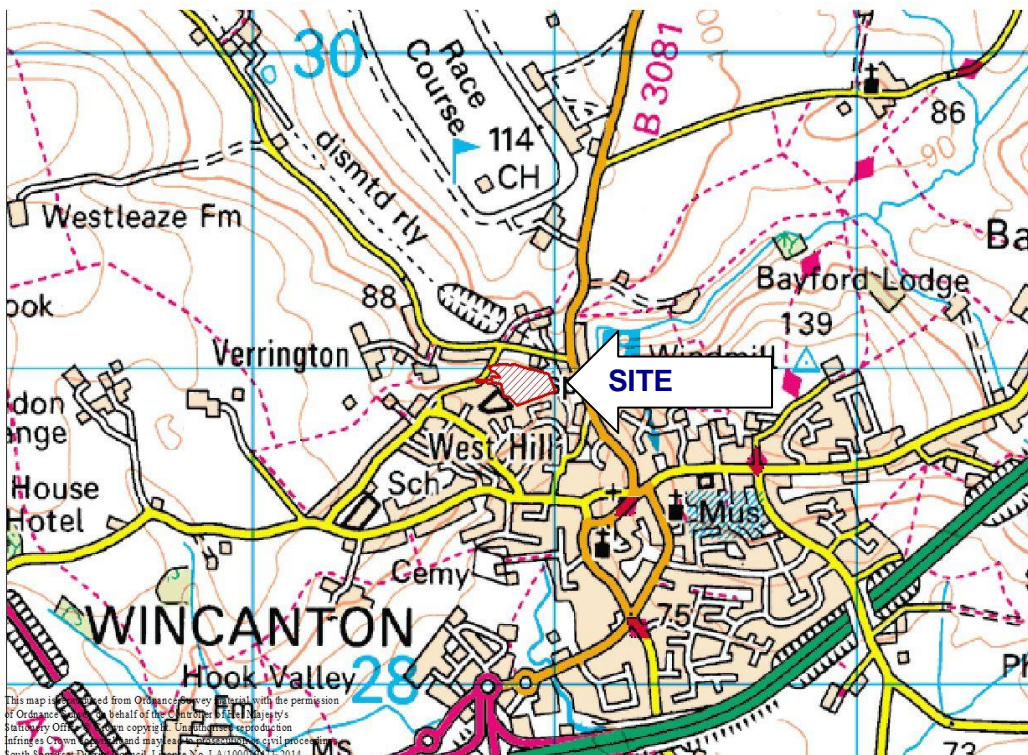
RECOMMENDATION

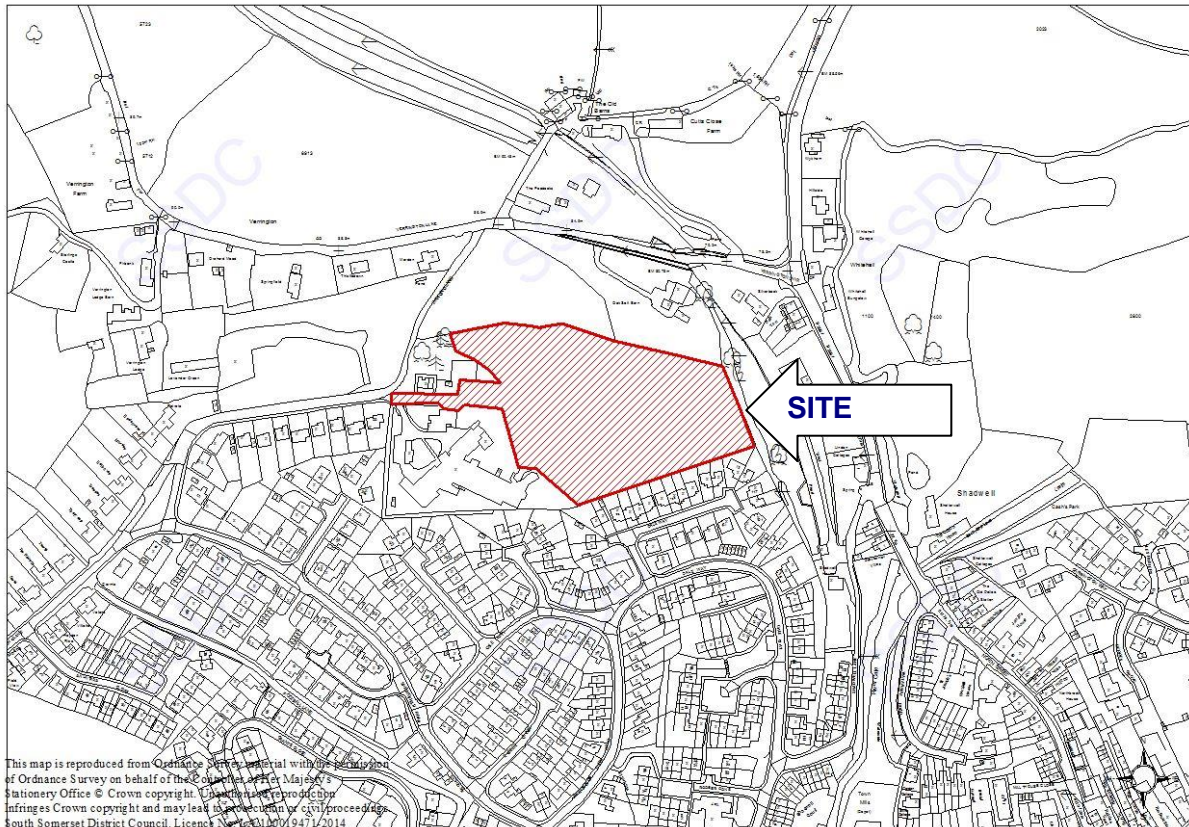
(1) That Members endorse the officer recommendation.

BACKGROUND

Application 14/00838/OUT was submitted on 18 March 2014, with a determination date of 17 June 2014. With the exception of the access to the site from Dancing Lane all matters were reserved.

Site





This 1.84 hectare site is located outside of development limits to the east of Wincanton Community Hospital, Dancing Lane. The site is a 1.7 hectare green field site formerly owned by the NHS grass with existing tree and shrub planting along the boundaries. The land slopes down towards the North and East. Trees on the hospital site are protected by a Tree Preservation Order.

The site is bounded by development on three sides – the hospital to the west, Cale Way to the south and Old Hill to the east. There is open countryside with sporadic development along Verrington Lane to the north.

The Proposal

A residential development is proposed comprising:-

- Up to 55 dwellings, including 35% affordable housing;
- Access from Dancing Lane through the hospital site. This shows a road straight through the service area with priority over the visitor access to the hospital and the parking areas
- relocation of NHS parking (21 spaces would be provided for 20 that would be removed);
- provision of open space;
- sewage pumping station;

The application is supported by an indicative layout showing a loop road around the site and houses arranged around the outside of the road backing onto the rear gardens of properties in Cale Road to the south and the countryside to the north, with an island of development in the middle. The hospital parking would be provided on the western side of the site with the

open space between it and the houses. The pumping station would be in the eastern corner (the lowest part of the site).

The supporting information comprises:-

- Design & Access Statement
- Planning Statement
- Ecological Statement
- Ecological Survey
- Arboricultural Impact Assessment
- Flood Risk Assessment
- Transport Assessment
- Travel Plan

The proposal has been amended by a revised Flood Risk Assessment, updated Design & Access Statement, updated travel Plan and the provision of a Landscape and Visual Assessment. These have been subject to further consultations (06/06/14)

Planning History

11/02835/OUT Outline application for up to 58 dwellings refused for the following reasons:

- 01. This proposal for 58 dwellings outside the settlement boundary of Wincanton would not be necessary to meet, or contribute to, the District Council's 5 Year Housing Land Supply (April 2010 - March 2015) as set out in the South Somerset Local Development Framework, Annual Monitoring Report 31 December 2010. No other justification based on economic or environmental benefits has been put forward and as such the proposal is contrary to saved policy ST3 of the South Somerset Local Plan.*
- 02. The proposal, by reason of a lack of informal play space and a lack of detail of the proposed areas of equipped play space and youth facilities, particularly a lack of buffering, makes insufficient provision for on-site public open space to meet the requirements of future occupiers in a manner that would safeguard residential amenity. As such the proposal is contrary to saved policies CR2 and ST6 of the South Somerset Local Plan.*
- 03. The proposed development by reason of the relationship of the 3-storey flats to the hospital and the proximity of the proposed dwellings on the south side of the site to existing homes in Cale Way would result in an over-bearing impact, loss of outlook and loss of privacy to the detriment of the amenities of existing residents and users of the hospital. As such the proposal is contrary to saved policy ST6 of the South Somerset Local Plan.*
- 04. In sufficient information has been submitted to demonstrate that the proposed pumping station would not be detrimental to residential amenity by reason of noise and odours. In the absence of such information the approval of this development would be contrary to saved policy ST6 of the South Somerset Local Plan.*
- 05. The proposal, by reason of the creation of an access directly through the adjacent hospital site, would result in conflicting traffic movements to the detriment of*

highways safety and residential amenity. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

06. *No detail of a mechanism for the provision of the necessary planning obligations to address the impact of the development on the provision of education, affordable housing and sports, arts and leisure facilities has been provided. Without a commitment to address these impacts the proposal is contrary to saved policies CR2, CR3, HG6, ST5 and ST10 of the South Somerset Local Plan.*

In the course of the subsequent appeal additional information (including a unilateral undertaking in relation to the planning obligations) was provided and it was agreed that reasons 2, 3, 4 and 6 would be set aside. At the Inquiry the Council only sought to defend reasons 1 (5 year land supply) and 5 (access).

Whilst the Inspector found that, at that point in time, the Council did not have a 5 years housing land supply, the appeal was dismissed on the grounds of:-

- poor access
- visual impact
- sustainability of the site relative to the town centre

The decision letter is attached at Appendix A.

The appellant challenged the Inspector's decision on a number of grounds, included the fact that the Inspector dismissed the appeal for landscape and sustainability reasons without hearing evidence on these issues. The High Court agreed with the appellant on this issue and quashed the Inspector's decision, however this was successfully challenged by the Planning Inspectorate in the Court of Appeal.

As a result the Inspector's original decision letter still stands, but remains under challenge for the 5 other reasons of the original challenge, namely:-

- Irrationality and a failure to have regard to material considerations on character and appearance.
- Failure to give adequate reasons on character and appearance.
- Irrationality in conclusions regarding the sustainability location.
- Failure to give adequate reasons re Sustainability.
- Failure to give adequate reasons and irrationality in respect of Highway Safety.

12/00660/OUT Outline proposal for 55 dwellings; pending decision. This was submitted as a vehicle to address the Council's concerns regarding 11/02835/OUT and subsequently the Inspector's issues. Following the High Court challenge with application has been held in abeyance however June the applicant provided updated details to bring the supporting information in line with 14/00838/OUT. The two applications are identical except for the access priority. 12/00660/OUT proposes that the access from Dancing lane to the visitor parking area would have priority over the access to the site and service area.

PLANNING POLICY

South Somerset Local Plan (2006)

The policies of the South Somerset local Plan (2006), where compliant with the NPPF, have been saved and remain relevant.

ST3 – Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EU3 - Water Services
EU4 - Drainage
TP1 - New Development and Pedestrian Movement
TP4 - Road Design
TP7 - Car Parking
HG7 – Affordable Housing
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 – Off-site provision of Outdoor Playing Space and Amenity Space
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 Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

Other Relevant Documents

Wincanton Peripheral Landscape Study (2008)

CONSULTATIONS

Wincanton Town Council – recommend refusal. In relation to the initial consultations commented as follows:-

Council are concerned about the current infrastructure, lack of school places and Health Centre appointments. Council question the need for more houses and stand by the numbers mentioned in the Local Plan.

Without employment opportunities in the Town, future residents will be forced to look for employment elsewhere, which may result in Wincanton becoming a dormitory Town. This application will have a gross impact on Wincanton Community Hospital which is an important and valued facility. The loss of an emergency landing Helicopter Pad Could prove fatal and as the Hospital will have to close during possible groundwork, Council fear it may never re-open.

Council believe the grounds around the Hospital are grade 2 listed. The National Planning Policy Framework states Council should not build on quality land. Brownfield sites are the preference of the Council. There are much older planning permissions granted in other areas of Wincanton which are still to be developed, once again Council would request no further large planning applications to be approved until we can see the effect the current granted applications have on the infrastructure of the Town.

Council are also concerned about the sustainability of this application and possible flooding towards Cale Way. The increased traffic in the hospital grounds causes Health & Safety concerns for both patients and visitors and Council have been informed that planned sewer repair work will not take place if this application is granted.

The Council also asked that any 106 monies should only be used in the Town.

In response to the second consultation the Town Council' reiterate their objections as follows:-

- 1. 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 SSDC Plan.*
- 2. 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.

3. 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.
4. 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.'
5. 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".

While SSDC has no adopted Local Plan, the NPPF states there is to be 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. The current Local Plan should be adhered to. There are current approved applications for development which have not been started yet.

Planning Policy – provide the following observations:-

Policy Context

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.

County Highways Authority – Raise no objection to the proposed access arrangements as shown on drawing 0115 PHL/101 Rev A, but object to the detail of the Travel Plan as they do not consider that it would make the development sustainable. In detail their observations, which relate to this application and 10/00660/OUT, are as follows:-

Following [the refusal of the previous application and the dismissal of the appeal on highways safety grounds] the Highway Authority was approached to overcome the deficiencies of the previous access arrangement at the eastern end of Dancing Lane (close to the existing hospital car park access points) and three separate access arrangements were proposed at that time, which were the subject of a safety review by my colleagues in the safety audit team. The outcome of this review was that Option 1 (as shown on AWP drawing number 0115 PHL-101-A) was considered to be 'generally acceptable' to the Highway Authority (whereas the other two options were not considered acceptable as they created or intensified existing highway safety concerns, and the developers highway consultants were informed of this fact by email on the 14th January 2014.

As such, the access arrangement as shown on drawing number AWP drawing number 0115 PHL-103 A [as relates to application 12/00660/OUT] is not considered by the Highway Authority to be acceptable in this particular case, especially when one considers that a suitable alternative exists that is clearly implementable or it would not form part of planning application 14/00838/OUT (e.g. Drawing 0115 PHL/101 Rev A). The reasons for this approach being primarily related to the significant increase the volume of traffic travelling past the entrance to the hospital, whilst the horizontal layout proposed will increase the likelihood of side impact collisions and possible loss of control accidents. As a consequence and due to the severe impact on highway safety such an arrangement would be likely to have on highway safety, I would have no alternative but to recommend refusal of the application on highway safety grounds as the substandard access arrangement fails to meet provide a safe and satisfactory access arrangement in line with the NPPF and Policy ST5.

Notwithstanding the above, and having regard to the Travel Plan submitted as part of the application, I understand that the Inspector in paragraph 48 of her letter dated 29th August, concluded that "the site is not in a particularly sustainable location" and it is for this reason that my colleagues in the Travel Plan team have undertaken a thorough audit of the AWP Travel Plan submitted as part of the application and their report [concludes that the TP is not acceptable].

I would therefore recommend that the applicant's highway consultants consider its findings and respond to the points that have been made and provide an amended

Travel Plan for further consideration. I would then be able to provide the LPA with a final view on the acceptability (or not) of the TP to the LPA in due course.

Although an amended TP has been provided (25/07/14), at the time of writing the highway authority had not commented. Clarification has also been sought regarding any cumulative impact and an oral update will therefore be necessary.

Landscape Architect – raises no objection. Initially, prior to the submission of the Landscape and Visual Impact Assessment (LVIA) he commented:-

There is a clear relationship with existing urban form, and the field shares the same topographical feature as other development form. Its surround is well demarcated by mature trees and hedging, hence in terms of the principle of development, there is no landscape issue with the prospect of a residential site in this location.

Whilst this is an outline application, an indicative layout has been submitted that is in part informed by feedback on the earlier application plan. I have a number of comments;

- 1. The general layout and development density is broadly acceptable, and demonstrates a logical response to the site. The open space is better appropriately situated to provide a focus for the design, and to serve its community. The extent of this open space should comply with the requirements of policy CR2.*
- 2. If minded to approve, any outline approval should require a full tree survey and tree protection plan to be submitted with the REM application. It follows that any detailed layout should ensure that all structures, and service excavation should lay outside the RPA of the trees, and follow the recommendations of the protection plan.*
- 3. A detailed landscape submission should also be conditioned to accompany any future REM application. This should include measures that safeguard the woody surround*

Whilst I am aware that in the recent appeal decision relating to this site, the Inspector stated landscape grounds for objection, this is not a view that I share, nor do I believe such a view can be upheld in the face of professional landscape analysis. In this respect, I note that the landscape appraisal submitted by the applicant demonstrates the site to have a limited visual profile, and a capacity for development that will not impact upon the landscape features that characterise the site. I concur with this analysis, and re-iterate that there are no substantive landscape grounds upon which to base a refusal to this application.

Subsequently, upon receipt of the LVIA the following advice was offered:-

I have no issues with the conclusions of that assessment, which are not at odds with my own landscape view of the site.

I note the revised indicative masterplan, again this raises no substantive issues. One point of urban design detail, however, at such time that a detailed proposal comes forward (should the application be approved) then I would advise a stronger residential frontage to the open space.

In all other respects, my earlier comments [above] still apply

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 Windmill Farm (14/02107/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.

Housing Development Officer – requests 19 affordable units of which 13 should be 'social rent' and 6 share ownership or other intermediate solutions, to be made up of :-

- 6 x 1 bed (2 person)
- 9 x 2 bed (4 person)
- 3 x 3 bed(6 person)
- 1 x 4 bed (8 person)

Leisure Policy Co-ordinator – requests a contribution of £6,001 per dwelling toward mitigating the impact of the development on sports, arts and leisure facilities. The breakdown of this is attached at Appendix B. The following comments are offered:-

Regarding the main issue from members and the town council about S106 money being spent only in Wincanton, our response follows our policy and needs assessments. However, in line with the discussions last year regarding the Bayford Hill application, we are happy to pursue negotiations with the developer if a S106 is drawn up for this application, whereby the strategic money could be spent on one or more of the various strategic facilities. We have also noted in the response that the playing pitch money could go towards the AGP project as a full sized AGP would replace a grass pitch there.

With regards to the application, there appeared to be no reference to a LEAP on site within the area of open space. We are seeking the provision of an on site LEAP of 500 sq m and the costs reflect this (similar to the approach taken recently at Canal Way, Ilminster). We are also seeking on site youth facilities. If the developer were to provide

and maintain these, then we would need to adjust our calculations as the play and youth contributions are shown as coming to SSDC.

County Education Authority – suggests that this development would create a demand for an additional 11 primary school places at a cost of £12,257 per place, equating to an contribution of £134,827, it is considered that there is sufficient capacity at the secondary school (King Arthurs).

Given the policy officer's comments the County have been asked to consider the cumulative impact of this development with others currently proposed at Windmill Farm (14/02107/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.

Climate Change Officer – no objection subject to consideration of the detail at reserved matters stage.

Environmental Protection Unit – notes that previous concerns about the pumping station have been resolved. Sees no incompatibility between a hospital and a residential area.

Ecologist – no objection subject to conditions to agree appropriate mitigation measures with respect to dormice, reptiles and badgers.

Environment Agency – no objection subject to conditions to agree detail of drainage.

County Archaeologist – no objection.

Wessex Water – no objection subject to the pumping station being at least 15m from dwellings. Necessary connections and any improvements can be agreed and secured under their legislation.

REPRESENTATIONS

56 letters of objection have been received raising the following issues

- Loss of green field
 - Impact on ecology
 - Brownfield sites should be used first
 - Increased run-off
 - Loss of agricultural land

- Loss of trees
- Overlooking to properties in Cale Way
- Visual Impact
 - Views from north
 - Light pollution
- Highways impact
 - Dancing Lane, with school at the other end cannot cope
 - Increased traffic on routes to town
- Impact on hospital
 - Conflicting traffic movements through site
 - Noise and disturbance to patients
 - Construction disturbance
 - Stifle growth
 - emergency vehicle/delivery access
- Impact on Infrastructure of town
 - Roads can't cope
 - Increase congestion
 - Primary schools already full
 - Lack of jobs
 - Town centre already has lots of empty shops this would make it worse with more out-commuting
 - Healthcare already stretched
- Sustainability
 - Distance to primary school
 - Residents would have to drive out of town to work
 - Distance to town centre
 - Lack of busses
 - Walking to town is not an option
- Does not conform to local plan
 - Outside development area
 - Too many houses for which there is no need
- Does not address deficiencies of previous proposal

Somerset Partnership NHS Trust have objected as follows:-

The Somerset Partnership NHS Foundation Trust on the 1 August 2011 took over the responsibility for the services previously provided by Somerset Community Health, which included the service provided at Wincanton Community Hospital. Ownership of Wincanton Community Hospital was transferred to Somerset Partnership on 1 April 2013 from NHS Somerset.

We are aware this section of land was previously sold by the NHS. However, we do not believe this type of development was envisaged when it was sold, nor was the increased use of the hospital site.

Somerset Partnership NHS Foundation Trust wishes to formally lodge our objections to the above proposed development and would wish to make the following observations to the planning application.

We have the following objections to make:

1. *The Hospital site will be land locked with no opportunity for expansion.*

2. *Safety of patients, visitors and staff could be compromised with increased activity of vehicles.*
3. *Emergency vehicle access is required at all times to the hospital site and there are concerns this could be compromised with this development.*
4. *The proposed access road to the new development cuts the hospital site into two sections with facilities such as the main boiler house, electrical supply/generator supply, and car parking being separated from the main site. The proposed roadway will have essential services running underneath.*
5. *Deliveries of fuel supplies/catering supplies/clinical waste etc will need to continue be made to the boiler house, catering department and associated areas, resulting in parking on this proposed roadway by delivery vehicles.*
6. *Access by large HGV Lorries will be required to position trailers used for Mobile Breast Screening, Specialties, X-Ray, etc near the existing boiler house.*
7. *The relocation of the existing parking from the roadway onto land which is not owned by the Trust is further from the hospital and is not ideal for the elderly profile of patients who use the hospital.*
8. *With the site being split, car parking on the boiler house site will present problems for elderly patients having to cross the roadway into the main hospital complex.*
9. *Relocation of disabled car parking bays from proposed new roadway to hospital grounds will result in reduction in grassed areas presently accessible to hospital patients.*
10. *Ground work to provide disabled car parking bays close to trees on the preservation listing.*
11. *Viewing the proposed plans, we are at a loss to see how the proposed works to the entrance road, and the works to the access road to the new development, will allow us in the short term during construction/alteration, to maintain normal use of this site for both inpatient and outpatient services.*

This proposed development will present issues such as those outlined above, and could also increase noise levels which would not be conducive to a local Community Hospital setting.

The Current Situation

The applicant has agreed to the requested planning obligations and has provided an updated Travel Plan (25/07/14) to address the highway authority's concerns. However they have been unwilling to allow additional time for the application to be determined and lodged appeal on 24 July. The Planning Inspectorate are considering the appropriate appeal mechanism (the appellants has requested an Inquiry) and no dates have yet been set.

The grounds of appeal are stated to be those that previous Inspector identified, namely:-

- Impact on the character of the area
- Impact on highways safety and running of hospital

- Sustainability, in particular reliance on the private motor car

Additionally it is intended to demonstrate that the District Council does not have a 5 year housing land supply. In essence their argument is that any harm stemming from the development is outweighed by the benefits in terms of the provision of open market and affordable housing, the consolidation of the existing hospital car park, the provision of public open space and biodiversity benefits.

Principle of Development

In light of the policy officer's advice it is not considered that the proposal can be rejected simply because it would exceed the emerging local plan housing figures for Wincanton. Members are reminded of the proposed main modification to policy SS5 which would entail an early review of the growth of the town. Whilst it is unfortunate that applications are submitted prior to this review, it is clear that the Council must determine them on their merits and that a permission approach as advocated by the NPPF is appropriate.

It is not considered that Wincanton, as the fourth largest Market Town in the District is an unsustainable location for appropriate levels of growth. Local concerns about lack of job in the town are noted however they are not supported by the evidence from the 2011 Census which records 2,739 economically active people in the town, compared to 2,700 jobs, an employment density of 0.99. Whilst this has fallen since the Baker Associates study of 2009 (1.24), it still compares favourably against Cry (0.62), Chard (0.84), Ilminster (0.71). on this basis given the range of services and facilities available in the town it is not considered reason to object to this development on the grounds that Wincanton is an inappropriate or unsustainable location for further development at this time.

Benefits of the Development

It is accepted that the proposal would bring forward housing, including affordable housing, the need for which, across the District, is not disputed. Regardless of the Council's 5 year housing land supply (HLS), weight should be given to this benefit; this weight would be significant in the absence of a 5 year HLS. However, starting with an assessment of conformity with the local plan and NPPF, such weight needs to be balanced any harm arising from the development.

Impact on the Character of the Area

Whilst the Inspector dismissed the previous appeal on the grounds of the visual impact of the proposed development, at that time there was no LVIA in support of the application. Furthermore landscape/visual impact did not form part of the Council's case. At the time the landscape architect was mindful of the Peripheral Landscape Study of Wincanton which does not assess this site as being sensitive to development; indeed the site, noting the site to be surrounded on three sides by development, places it in landscape terms, within the built envelope of the town.

The application is now supported by a LVIA which has been carefully considered by the landscape architect who concurs with its findings having initially observed:-

"Whilst the Inspector stated landscape grounds for objection, this is not a view that I share, nor do I believe such a view can be upheld in the face of professional landscape analysis."

Given this professional landscape analysis it is not considered that it would be reasonable to maintain a landscape objection.

Highways Safety

Whilst local concerns are noted the highways authority considers that the applicant has sufficiently amended the scheme so as to create a safe access to the site. Furthermore no objection is raised on the grounds of an inability of the wider road network in Wincanton to accommodate additional traffic generated by the proposal. The safety issues have been considered by the highways authority who are fully aware that the proposed access road would run through the service area. It is their view that the reconfigured road, hospital parking and service arrangements would not be unsafe and that the previous Inspector's concerns regarding highway and pedestrian safety and the safe running of the hospital have been addressed. No evidence has been put forward to demonstrate that this is an inaccurate assessment of the situation and as such it would be unsustainable to seek to override the advice of the highways authority.

The concerns of the hospital management are noted, however the fact remains that they do not own this land and the appellant has a right of over it to serve any development for which planning permission is granted. It is accepted that the hospital's plans have changed since the land was sold however this cannot constitute a planning reason for refusal, and resolved such rights is a civil matter.

Sustainability

The issue is the site's location relative the services and facilities available in the town centre, employment areas and the primary schools. Whilst 2011 Census data indicates that 23% of Wincanton residents walk to work (District average is 16%; national average is 11%) it is noted that this site is at some distance from the town centre and that there are significant changes in levels. The previous inspector considered the alternatives to the private motor car to be sufficiently unattractive as to deter future residents from walking or cycling, noting:-

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. During the inquiry I walked from the town centre to the site and back and found that the gradient of the footpaths and limited provision of road crossing points made it unlikely that the route would be attractive for use on a regular basis, either on foot or by bicycle, or for anyone who was less mobile or had a push chair, wheel chair or significant amounts of shopping to carry.

Para. 47 of decision letter

Accordingly she concluded that:-

given the location and lack of realistic alternative modes of travel, future occupiers of the proposed development are likely to be unduly dependent on the private car for access to employment and for many of their daily needs..... the proposal is contrary to the provisions of the Framework, which aims to minimise the need to travel. I conclude that the site is not in a particularly sustainable location.

Para. 48 of decision letter

It is vital to address this issue; development that provides future residents with no alternative to the private motor should be considered unsustainable when assessed against the three dimensions of sustainability identified by the NPPF, namely:-

- Economic role – through the provision of efficient routes
- Environmental role – by using fewer resources and generating fewer climate changing emissions.

- Social role – by enabling mobility for all, not just those who have un-impaired mobility and/or access to a car.

The appellant now seeks to address this fundamental concern with an improved travel plan which they contend would incentivise future residents to use alternatives to the private motor car. The highway authority do not consider that the submitted travel plan would achieve this and as such an objection should be maintained on the grounds that this development would be contrary to the thrust of policy ST3 that seeks to avoid development that fosters the growth in the need to travel.

Furthermore the proposal in its current form would not “*promote a pattern of land use and transport which reduces the need to travel, minimises the length of journeys and provides accessibility by a choice of means of travel*” as required by policy ST5. No adequate Travel Plan has been put forward (saved policy TP2) that might make the development sustainable (para. 17, NPPF).

Accordingly at the time of writing the proposal is considered unsustainable as there would be no reasonable alternative to the private motor car by which future residents could access services and facilities necessary for daily life. As such the proposal is contrary to saved policies ST3, ST5 and TP2 of the South Somerset Local Plan (2006).

S106 Agreement

The applicants are agreeable to all requested obligations and have provided draft heads of terms to cover:-

- 35% affordable housing
- Sports arts and leisure contributions as requested
- On site play areas and informal space, and maintenance of.
- Financial contribution as requested by county education officer
- Travel Plan measures as may be required by the highways authority

Whilst such obligations are reasonable and necessary to mitigate the impact of the development on local infrastructure it is not considered that that they can outweigh the objections raised.

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 accepts that the Windmill Farm site would not be readily visible in the same context as this site. Whilst the site is seen in the same views as the Dancing Lane site, both sites are well screened and are not seen as a sequence when viewed from footpaths to the north. Accordingly no landscape objection is raised to any cumulative impact of these developments.

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 Issues

Notwithstanding local concerns there are no objections from specialist consultees on the grounds of drainage, ecology, trees or any other technical matter. Whilst amenity issues privacy/overlooking are noted, the layout, and hence relationship with existing properties, is reserved and can therefore be adequately assessed at the reserved matters stage. This would also be the appropriate time to look at buffering, the detail of the on-site open space, landscaping etc.

Conclusion

It is considered that this amended application over comes the previous inspector's concerns regarding the access to the site. Additional information in the form of a professional landscape and visual impact assessment of the development is now provided that is considered to assuage the concerns of the Inspector. Furthermore the application is supported by detailed engineering drawings that address earlier concerns about levels, street furniture and the possible impacts on trees. Whilst local objections are maintained with regard to these matters and other technical issues these are not supported by any evidence that could justify setting aside the advice of technical consultees.

The application however does not adequately address the Inspector's concerns with regard to the sustainability of the site relative to the town centre and as such the proposal is considered to be unsustainable by virtue of the lack of choice of modes of transport that would be available to future residents.

Regardless of whether or not the Council can demonstrate a 5 year housing land supply, such unsustainability can outweigh any site specific benefits cited by the appellant or the contribution the development would make to the Council's housing delivery.

RECOMMENDATION

That:-

a) the following reason for refusal be defended at the coming public inquiry:-

1. The proposal is for up to 55 dwellings on a site that is not within reasonable walking distance remote of primary schools, employment opportunities and the services and facilities available in the town centre. Given the distances, topography and nature of the route and the lack of regular bus services future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the NPPF which is not outweighed by any reasonable benefit arising from the development. Accordingly the proposal is

contrary to the policies contained within the NPPF and saved policies ST3, ST5 and TP2 of the South Somerset Local Plan (2006).

- b) all other matters be agreed as common ground in advance of the Inquiry.
- c) In the event that the highways authority agrees an acceptable Travel Plan with the appellant, and subject to this being acceptably covered in a Unilateral Undertaking, then the sustainability of the site also be agreed as common ground between the local planning authority and the appellant. Should this happen the local planning authority would no longer raise any objection to the scheme, provided the Unilateral Undertaking covers the requested planning obligations set out above.

Background Papers: Planning File 14/00838/OUT

Appendix A – Inspector’s decision letter in relation to 11/02835/OUT (Pages 43 -59)

Appendix B – Breakdown of Outdoor Playing Space, Sport and Recreation Planning Obligations. (Pages 60-62)