

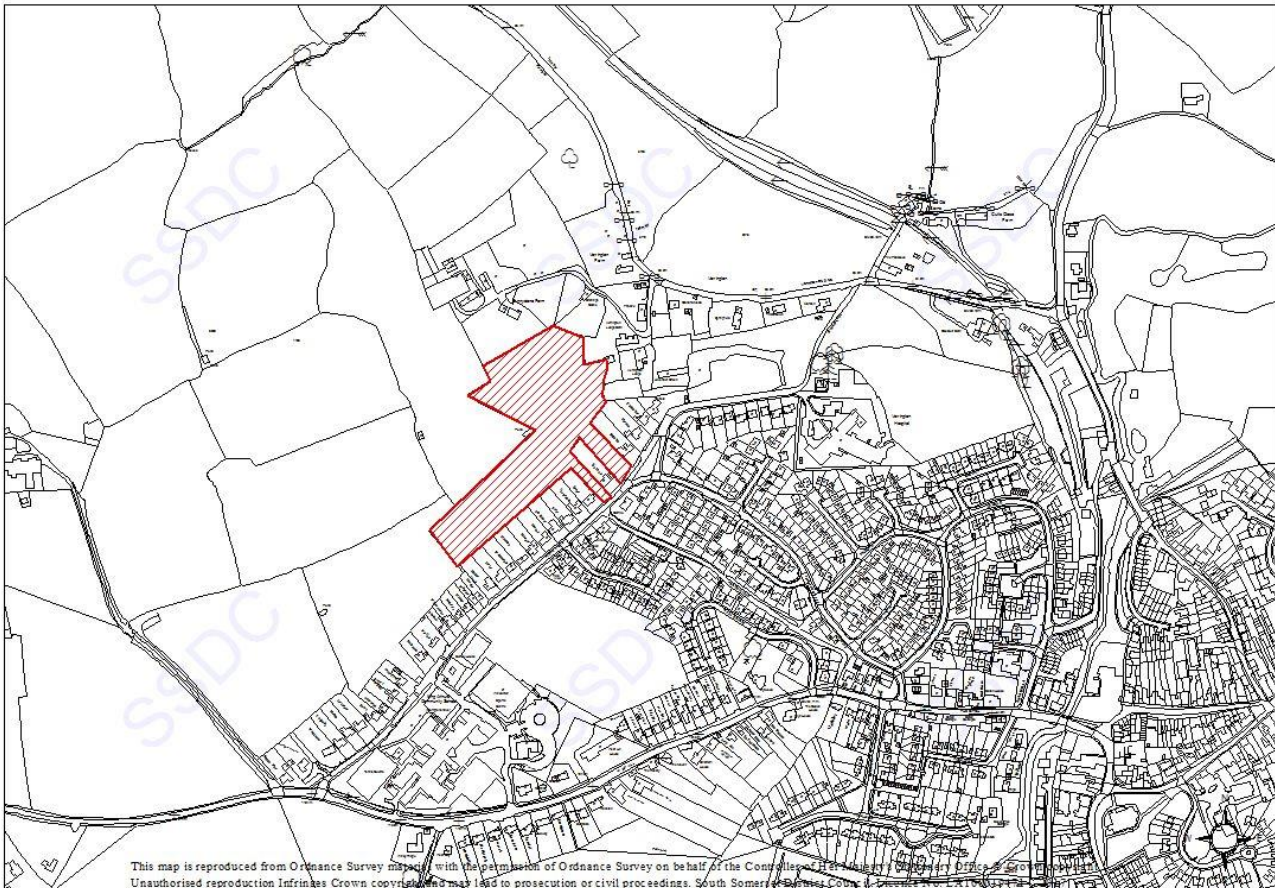
## Officer Report On Planning Application: 17/02643/OUT

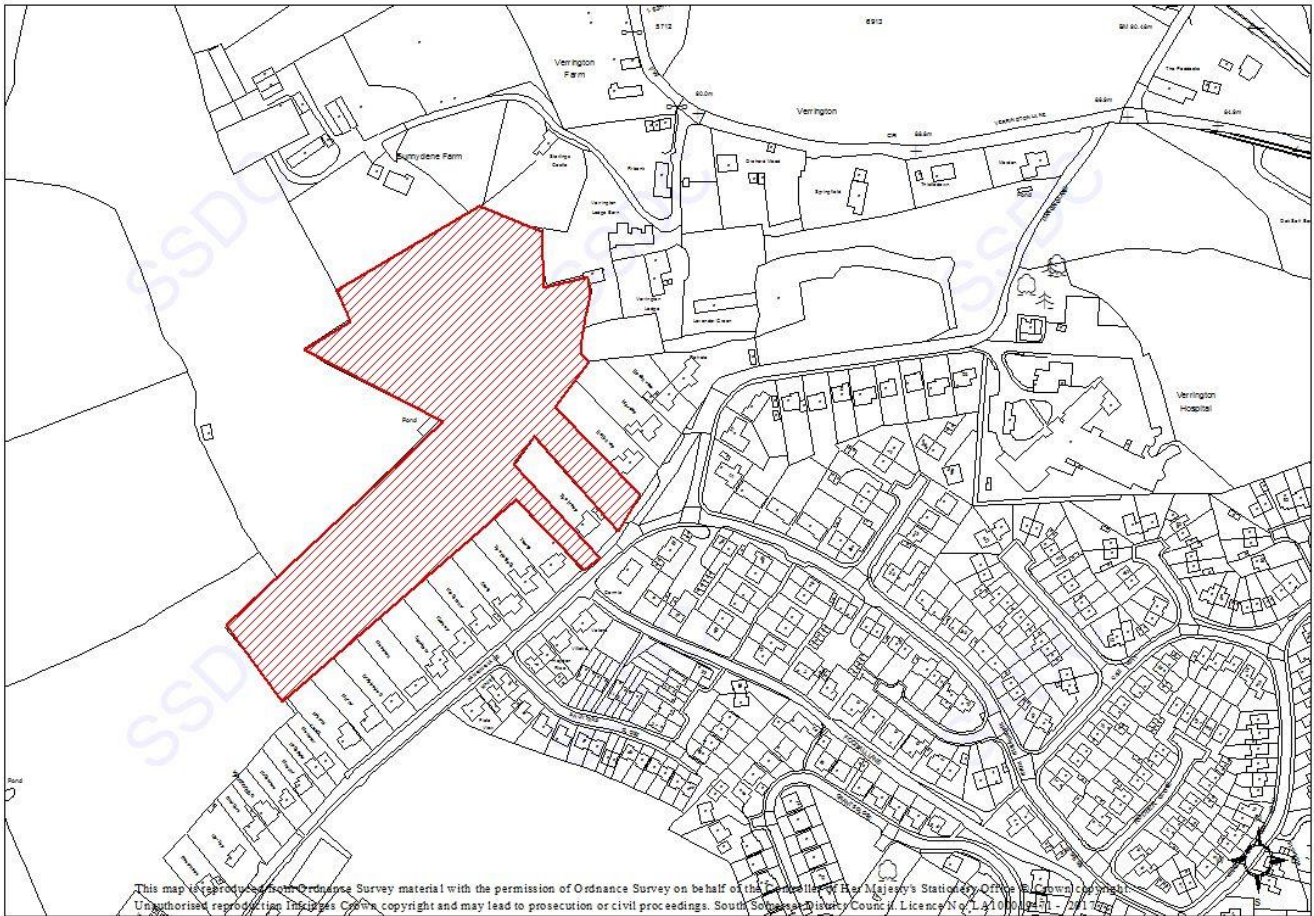
<b>Proposal:</b>	Outline application for up to 23 dwellings with approval for means of access sought and all other matters reserved for future consideration (Revised scheme) (GR:370409/128841)
<b>Site Address:</b>	Land At Dancing Lane, Wincanton.
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Members)</b>	Cllr N Colbert Cllr C Winder
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date:</b>	21st September 2017
<b>Applicant:</b>	Mr Mervyn Dobson And Mr Tim Adams
<b>Agent: (no agent if blank)</b>	Mr Mervyn Dobson, Mortimer House , Mortimer Lane, Mortimer, READING RG7 3AJ
<b>Application Type:</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward members, and with the agreement of the Area Chair, in order to allow the contributions to be publicly debated.

### SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for residential development of up to 23 dwellings with approval for means of access sought and all other matters reserved for future consideration (revised scheme).

The site consists of an area of agricultural land currently laid to grass. The site is flat in places, but slopes steeply at the north-eastern end. The site is adjacent to a variety of residential buildings, including a Grade II listed building, and is close to open countryside. The site is not located within a development area as defined by the local plan.

An indicative plan has been submitted with the application that shows the provision of 23 dwellings, with vehicular access to the site from the south east. The proposed vehicular access involves the demolition of an existing bungalow. The site is currently traversed by two public rights of way, which are shown as retained on the indicative layout.

## HISTORY

14/01704/OUT - Outline application for residential development with approval for means of access sought and all other matters reserved for future consideration - Permitted with conditions at appeal against non-determination 02/07/2015

14/04234/OUT - Outline application for up to 25 dwellings with approval for means of access sought and all other matters reserved for future consideration (revised scheme) - Refused 15/12/2014

14/02518/EIASS - Outline application for up to 35 dwellings with approval for means of access sought

and all other matters reserved for future consideration - EIA not required 09/06/2014

68453 - Development of land for residential purposes and the formation of vehicular accesses - Refused 09/06/1964

## **POLICY**

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

### **Policies of the South Somerset Local Plan (2006-2028)**

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy PMT4 - Wincanton Direction of Growth

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

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

### **National Planning Policy Framework**

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

## **CONSULTATIONS**

**Wincanton Town Council** - Recommends refusal on the grounds of removal of the affordable housing.

### **County Highway Authority -**

*"I refer to the above-mentioned planning application received on 30 June 2017 and after carrying out a site visit on 3 July 2017 have the following observations on the highway and transportation aspects of this proposal:-*

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

*Dancing Lane is an unclassified restricted highway that has a 30mph speed limit that applies along the*



frontage. Having checked the records held with the Highway Authority it would appear that there have been no recorded PIAs (personal injury accidents) in the vicinity of the proposal.

I am aware that the Highway Authority has commented on this application previously, this is a revised scheme. The previous highway comments raised no objection to the application for both 35 and 23 dwellings. It must also be noted that the previous application included a greater number of dwellings; ergo this application represents a decrease in the number of vehicle movements and would therefore be inappropriate for the Highway Authority to raise an objection to the application on traffic generation grounds.

Similar to the previous applications, this application seeks to 'stop up' the existing slip road and create an access through the proposed to be demolished dwelling, Troodos.

Under the previous planning applications the Highway considered the proposed highway alterations/realignment were acceptable. The information submitted with the current information has not significantly changed and therefore the principles of the alterations are considered acceptable.

This is an outline application with all matters reserved other than the access and taking that into account, the following comments are on the indicative layout as shown in drawing number 1172.102C. As mentioned previously, the site would be subject to APC.

The developer must ensure that the width of the carriageway is a minimum of 5.0metres and any footways must be a minimum of 1.8metres.

The applicant would need to provide at the detailed design stage of the application full landscaping details.

The forward visibility at the corner (opposite to the entrance to plots 1, 2 and 3) must be such to allow vehicles to see approaching vehicles in both directions. The drawing appears to show planting at this location, which must be removed to enable the forward visibility, the required visibility must be a minimum 17m. The visibility splays from the side road/turning head on to the main through route should be 2.4m x 25m. There should be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level.

The corner (opposite to the entrance to plots 1, 2 and 3) would need to be widened to allow for the largest vehicle to manoeuvre around, which would most likely be an 11.4m, 4 axle refuse lorry. Vehicle tracking at an appropriate scale would need to be provided throughout the site for the above mentioned refuse lorry, this can be provided at the reserved matters stage of the application.

Ambiguous lengths of parking areas must be adjusted to prevent vehicles from tandem parking in an area that is designed for one vehicle. It is noted that outside plots 6, 7 and 8 the parking is considered to be ambiguous in length and would potentially encourage tandem parking in a space that is not designed for it, thus creating an obstruction on the footway which would cause pedestrians to perambulate onto the estate road, which could cause conflicting movements between pedestrian and vehicles.

A footway would need to be installed adjacent to the estate road outside plots 3 and 4, with a suitable crossing point at the right of way crossing. On the estate road from the access to plots 1, 2 and 3 to the limit of adoption (land adjacent to the dwelling known as 'Bethaven') would need a minimum of a 1.0m margin.

The turning head at the western side of the estate road would need to have a continual footway around it with the appropriate drop kerb to allow for access to the privately maintained area serving dwelling numbers 11-15. The turning head is a Type-B turning head and the required dimensions can

be found in "Estate Roads in Somerset - Design Guidance Notes".

*There is a Public Right of Way (PROW) that runs through the site, I am aware that the PROW Team have been asked to comment on this application. However, it is noted that the parking area for plot 5 is located at the rear of the property, which could potentially lead to conflicting pedestrian and vehicular movements along the PROW. Should this parking area be located at the front, perpendicular to the highway then this will help to alleviate any potential conflicting pedestrian and vehicular movements.*

*The applicant must ensure that the parking levels are of sufficient levels to conform with the Somerset Parking Strategy (SPS). The SPS also sets out the need for electric vehicle charging points and the requirement of a minimum of one bicycle space per bedroom. This would need to be looked at in detail at the reserved matters stage of the application.*

*The Travel Plan seems broadly acceptable, it must be noted that a Measures-only Travel Plan rather than a Travel Plan Statement is required. As such, there is no need for a safeguarding sum and there is no need for monitoring data.*

*If there are areas which the Developer would like to put forward for adoption this will need to be discussed at the technical detail stage and no presumption should be made that all areas would be adopted. If there are areas that are to remain private we would require details of future maintenance arrangements. However, this will be considered fully at the technical design stage of the application.*

*The developer should be made aware that the works relating to the highway and the access would require a suitable legal agreement.*

*Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application. The Highway Authority is aware of the history that is associated with the site and should the Local Planning Authority be minded to grant planning permission, I would recommend that the following conditions are imposed..."*

They recommend the use of conditions to control:

- The timely implementation for the proposed highway works
- Details of parking arrangements
- The securing of a measures only travel plan
- Details of the estate road
- Cleaning of lorry wheels
- Disposal of surface water
- The timely construction of estate roads and footpaths
- Gradients of driveways
- The size of hardstanding adjacent to roller garage doors
- The size of hardstanding adjacent to up-and-over garage doors
- The removal of permitted development rights for the use of garages.

**SSDC Ecologist** - Notes the submitted report and the fact that it has not identified any particularly significant issues. He recommends the use of a condition to secure the ecological mitigation and enhancement measures detailed in the submitted report.

He also noted a specific concern raised locally in regards to the use of the site by a barn owl for hunting. In response to this concern he offered the following comments:

*"It's likely that due to lack of management, the site supports a good population of voles which are a favoured prey for barn owls. However, whilst the owls and their nest sites are protected by the Wildlife and Countryside Act, the protection doesn't extend to foraging/hunting habitats. I don't believe there are any structures on the site that would support nesting barn owls. The hunting 'home range' of a*

*barn owl will typically be around 350 hectares (reference Barn Owl Trust website). Although the application site is likely to be relatively high quality hunting habitat compared to other land within the owl's home range, it will nonetheless only be a relatively small proportion of the owl's total hunting area. It could be regarded that the loss of this land would represent an impact upon biodiversity. However, assuming in the absence of development that this land would return to normal agricultural use, and be of just average value to barn owls, then I conclude the level of biodiversity impact to be minor and not a significant constraint to the proposed development."*

**SSDC Strategic Housing** - Requests that 35% of the housing is affordable. They state that this would equate to 8 of the proposed 23 units, with 7 for social rent and 1 of another intermediate solution. They provide minimum space standards for the affordable units, and propose a specific property mix. They state that the affordable units should be pepper potted throughout the site and are developed to blend in with the proposed housing styles. They express a preference for dwellings to be houses or flats with the appearance of houses.

**Somerset Wildlife Trust** - Refers to previous comments, in which they noted the submitted survey and supported several of the recommendations. They made specific suggestions in regard to the indicative layout.

#### **SSDC Landscape Architect -**

*"I have read through the above re-application and its supporting information that seeks outline consent for residential development of land to the northwest of Wincanton, revised now to seek up to 23 houses. The fields subject of this application lay within the scope of the peripheral landscape study of Wincanton, which was undertaken during March 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to; <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>*

*The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are subject of this application are evaluated as having both a high (southwest field) and moderate-high (northeast field) capacity to accommodate built development. Consequently, if a need for additional housing within Wincanton is identified, then from a landscape perspective, this location would be an area where development could be undertaken without too adverse an impact upon the landscape.*

*The application has included an amended LVIA (landscape and visual impact assessment) which has assessed the potential visibility of the site, and the likely impacts of development upon the site's fabric and its surrounds. The LVIA considers the site to be well-related to the existing built form of the town; visually contained other than to the east, from which quarter there are limited public views; and of limited impact upon the wider character of the area. I would agree with the findings of the LVIA, which concludes the site to be suitable for development, with appropriate landscape mitigation. Suggestions for appropriate mitigation is outlined within the LVIA, and I would anticipate this would be incorporated in any detailed landscape scheme coming forward should this application find favour.*

*I am satisfied that the proposal works with the site topography; has a credible relationship with the linear character of Dancing Lane's development pattern; and by indicating a lesser density at the west and north margins of the site, will read as a feathering-out of built form alongside the existing north edge of the town. Consequently, I would not disagree the LVIA's conclusion that the likely landscape impacts once the site is built out will be slightly adverse, and thus raise no landscape objection to this application."*

**SSDC Tree Officer** - Recommends the use of a tree and hedgerow protection condition and a tree and shrub planting condition.

**SSDC Conservation Officer** -

*"We have established the need to safeguard the setting of Verrington Lodge and Verrington Lodge Barn, of which the undeveloped field to the north of the site, into which the application area encroaches, is a significant component. The plan previously approved was illustrative. Development was largely drawn away from this field, although there was still scope to improve the form and layout of the proposal at this edge of the site at the detailed design stage.*

*The layout now proposed shows gardens projecting out into this field and a two storey dwelling at the northern edge of the site; at the end of the site that most closely relates to Verrington Lodge. Including a dwelling here makes it necessary to an estate road, which draws the built form away from the simple estate road alignment that runs through the site. I consider the arrangement at this end of the site to push built form and domestic land use too far into this field, causing harm to the setting of the listed buildings to the northeast of the site. I therefore recommend refusal.*

*I have suggested an alternative layout. This draws the boundary in to the south, with opportunity to form a simpler and more natural hedged boundary against the field. I have suggested removing the problematic unit that pushes the built form out to the north and modest re-alignment of plots 2 and 3."*

**SSDC Community, Health and Leisure** - Requests the following contributions towards the provision of outdoor playing space, sport and recreation facilities:

- Equipped play space £18,674(local)
- Youth facilities £3,667 (local)
- Commuted sums £12,142 (local)
- 1% Community, Health and Leisure Service administration fee £345

Overall level of planning obligation to be sought: £34,482 (£1,583 per dwelling)

**SCC Rights of Way** - Notes the public footpaths (x2) that traverse the site. They note that the development would obstruct the right of way. However, they raise no objections to the scheme, subject to an informative on any permission to ensure that the developer is aware of the need for a diversion/stopping up. They note that the public footpaths are likely to need surfacing through the development site to cope with the likely increase in future public use. They request a condition to require authorisation through themselves prior to commencement, with implementation prior to occupation. They note the duty of the developer in relation to the rights of way.

**SCC Archaeology** - No objections

**Natural England** - States that the proposal is unlikely to affect any statutorily protected sites or landscapes. They note that they have not assessed the application for impacts on protected species. They note the regard that the LPA should have for protecting local sites, securing biodiversity and landscape enhancements, and for protecting sites of special scientific interest.

**Avon and Somerset Police Crime Prevention Design Advisor** - Raises no objection but requests further details of rear boundary treatments.

## REPRESENTATIONS

Letter of objection were received from the occupiers of 11 neighbouring properties. Objections were raised on the following grounds:

- Adverse impact on residential amenity
- Disturbance from increased vehicle movements
- Adverse impact on the setting of heritage assets
- Adverse impact on highway safety
- Loss of high grade agricultural land
- Adverse impact on biodiversity
- Adverse impact to existing right of way
- Lack of existing infrastructure
- No need for the proposed housing
- Development contrary to local plan
- Unsustainable location (accessibility)
- Adverse impact on the character of the area
- Loss of affordable housing is not acceptable

## CONSIDERATIONS

### History and Principle of Development

A very similar scheme to develop the site was approved at appeal in 2015. The approved scheme remains extant. The approved scheme was also for outline permission, with all matters except access reserved for future consideration. The scheme approved at appeal was subject to a condition that it would be for no more than 25 dwellings. The current scheme is for up to 23 dwellings, and has therefore been accompanied by a slightly different indicative scheme. As such, notwithstanding the local concerns (including a lack of local infrastructure, lack of need for the proposed housing, the development being contrary to the local plan, and in an unsustainable location (accessibility)), the principle of developing the site is considered to be established by the extant approval.

### Highways

Significant local concern has been raised in regard to the proposed access arrangements and the impacts on highway safety. However, the scheme is identical in terms of access arrangements to the approved scheme. In that appeal the inspector concluded "*...that the proposal would not result in unacceptable detriment to highway safety and that there is no significant conflict in this regard with LP policies TA5 or TA6 or the relevant provisions of the NPPF.*"

The highway authority was consulted in regards to this application and raised no objections to the scheme. They gave significant advice regarding the internal layout of the site, although this is more properly considered at the reserved matters stage. They also suggested a variety of highway related conditions, some of which are considered to be relevant, and some of which relate to reserved matters. In any case, as a very similar scheme was considered at appeal within the same policy context as the current application, it is appropriate to use the conditions imposed by the appeal inspector, rather than those suggested by the highway authority.

The previous approval was subject to a unilateral undertaking, which required the submission of a travel plan. It is considered that a 'measures only' travel plan, as is currently requested by the highway authority, can be secured by way of a condition on any permission issued.

As such, subject to the conditions previously imposed by the inspector, any impact on highway safety



are considered to be less than severe in accordance with the aims and objectives of the local plan and the NPPF.

### **Visual Amenity**

The SSDC Landscape Architect was consulted as to the impacts of the scheme on the wider landscape. As with the previous scheme, he raised no objections to the proposal. It is noted that the indicative layout is different to the indicative layout that the inspector was considering, in that it contains two less dwellings, and all of the dwellings are in slightly different positions and forms. However, the plans are only indicative, and matters of layout, appearance, landscaping and scale are more properly considered at the reserved matters stage.

The SSDC Conservation Officer has raised an objection to the layout shown on the current indicative plans and its likely impact on the setting of the nearby listed building. However, the layout is only indicative, and the inspector at the previous appeal has clearly indicated that the site is capable of accommodating at least 25 dwellings, subject to a no build zone at the northern end of the site. The current proposal is for 23 dwellings set out over a similar portion of the site. An informative can be added to any permission issued to ensure that the developer is aware of the concerns of the conservation officer with the indicative layout, and that a reserved matters application submitted without amendment is likely to be resisted on the grounds of harm to the setting of a designated heritage asset. As part of the appeal approval the inspector imposed the following conditions:

*"As part of a reserved matters application, details of a 'no build zone' shall be submitted in plan form to and approved in writing by the local planning authority. The 'no build zone' shall correspond closely to the area shown as undeveloped on illustrative layout site layout plan ref no 1174/03 dated 30 July 2014. No development shall take place within the 'no build zone' other than any that may be required in association with any approved drainage scheme."*

*"The development hereby permitted shall not commence until details of a scheme for the protection of trees and vegetation around the periphery of the site, and specifically in the vicinity of Verrington Lodge, has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be adhered to in full throughout all phases of construction activity relevant thereto."*

As such, subject to the imposition of similar conditions on any permission issued, appropriate detail at the reserved matters stage, and notwithstanding local objections in this area, it is considered that the proposed development would preserve the character of the area and have no adverse impact on the setting of the nearby listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

The suggested conditions of the SSDC Tree Officer are noted. However, landscaping is more properly considered at the reserved matters stage, and the tree protection condition imposed by the inspector at the previous appeal (see above) is considered to be adequate for tree protection purposes.

### **Residential Amenity**

Significant local concern has been raised as to the impact of the proposal on the residential amenity of neighbouring occupiers. Much has been made of the changes from the original indicative plan showing a high proportion of bungalows, to the current indicative plan with significantly less bungalows, and the potential for an increased impact on the amenity of adjoining occupiers. However, as discussed above, layout and scale are matters that are reserved for future consideration. As it has already been established at appeal that the site is capable of accommodating up to 25 dwellings without demonstrable harm to the residential amenity of adjoining occupiers, it would be unreasonable to withhold consent on the grounds of a changes to the indicative layout. At the appeal, the inspector stated:

*"Although several properties that back onto the appeal site are not adequately screened at present along their rear boundaries, I am satisfied that there is ample scope for securing a detailed layout at the reserved matters stage that would not impinge unduly on the living conditions of neighbouring residents. It is also clear that an architectural approach in keeping with the surrounding area could be devised."*

Again, the developer should be made aware of the local concerns by way of an informative on any permission issued.

The local concern as to the potential disturbance from increased vehicle movements is noted, but will be no worse than the approved an extant scheme, and therefore should not constitute a reason for refusal.

Therefore, subject to a satisfactory detailed design at the reserved matters stage and notwithstanding local concern, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

## **Ecology**

The SSDC ecologist was consulted. He referred to his previous comments on development at the site, and recommended the use of a condition to endorse the ecological mitigation and enhancements contained within the submitted ecology report. It is considered that the two ecology based conditions imposed by the inspector on the previous appeal are considered to cover the requirements of the SSDC Ecologist and should therefore be re-imposed on any permission issued. Subject to such conditions and notwithstanding local concerns in this area, there will be no significant adverse impact on biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

## **Flooding and Drainage**

As part of the approved appeal scheme, the inspector considered flooding and drainage. He drew the following conclusions:

*"[I]t is not the role of the developer to remedy ongoing drainage problems, but merely to ensure that the proposed development is safe in those terms and does not worsen the prevailing situation. The Appellant's flood risk assessment and drainage strategy is comprehensive and has not been effectively challenged by means of conflicting and cogent technical evidence, notwithstanding the misgivings expressed by some."*

*I have noted the drainage-related comments of one of the Council's engineers, Mr Meecham, in response to a later planning application for development on the appeal site (ref no 14/04234/OUT). However, nothing before me suggests that the matters he refers to could not be addressed adequately by conditions. I therefore find no significant conflict with LP Policy EQ1. Issues relating to riparian water rights must be addressed separately from any planning permission and are not matters for me."*

Nothing has changed in regards to local policy in this regard, or conditions on site. Therefore, subject to a similar drainage condition to that imposed by the inspector and notwithstanding local concerns in this regard, it is not considered that the proposal raises any significant issues in relation to flooding or drainage.

## **Contributions**

The largest difference between the scheme approved at appeal and the current scheme is in the area of contributions. Firstly, the current scheme would be liable for the community infrastructure levy (CIL),

which the previous scheme was not. As such, any development brought forwards in relation to this application (if approved), would be subject to a payment of £40 square metre of floor area. Based on the currently submitted indicative layout this would amount to approximately £106,200, 15% of which (approximately £15,930) would be passed directly to the Town Council.

Since the introduction of CIL in the district, the amount of contribution that can be asked for towards outdoor playing space, sport and recreation facilities has significantly dropped, as much of what was previously asked for is now on the CIL 123 list. In this case, the previously agreed contribution was for £4,625 per dwelling. The requested contribution is now for £1,583 per dwelling, which the applicant has agreed to.

A contribution of £2,451 per dwelling towards providing additional capacity at Wincanton Primary School was previously agreed to, but not has been requested on this occasion. The County Council, when questioned on this, confirmed that they do not want to seek a contribution towards education facilities in relation to this development.

The approved scheme would have provided that at least 35% of the housing would have been affordable. In this case the applicant has argued that the scheme is not viable if any of the dwellings are affordable. The applicant's assessment has been independently examined by the District Valuer, who has agreed with their findings. As such, notwithstanding local concerns, it would not be reasonable to require any affordable housing on-site.

It is noted that the applicant has offered a contribution of £100,000 towards the provision of an artificial all-weather pitch at Wincanton. However, such a contribution has not been requested by SSDC Community, Health and Leisure Service, as this type of facility is specifically included on the CIL Section 123 list. Inclusion on this list prevents the district council from securing any contributions to the facility in question through the normal planning obligation route. However, the offer does clearly indicate the applicant's willingness to make an overall contribution to local facilities of £100,000, notwithstanding the agreed viability position. Once the agreed £1,583 per dwelling (overall £34,827) towards outdoor playing space, sport and recreation facilities is subtracted from the £100,000 available, £65,173 remains. In the absence of any on-site affordable housing, it is considered that this £65,173 should be put towards affordable housing off-site. It is considered that this contribution should ideally be used elsewhere in Wincanton, although it is recognised that members may wish for it to be spent elsewhere in Area East or even the whole district.

### **Other Matters**

A concern has been raised as to the loss of high grade agricultural land. However, the inspector considered this issue in detail and concluded that "the loss of Grade 3a land on the site to development and any consequent fettering of the agricultural potential of the safeguarded Grade 1 land would not affect the availability of BMVAL [best and most versatile agricultural land] in the District to such an extent as to justify a refusal of planning permission.

A local concern has been raised as to the potential adverse impact to the existing rights of way that traverse the site. Again, the impact will be no different to the extant scheme. The County Council have requested an informative is imposed on any permission issued to ensure that the developer is aware of their duties in regards to the rights of way.

### **Conclusions and the Planning Balance**

The main difference between the extant scheme and that currently proposed lies in the area of contributions. The reduction in direct contributions towards outdoor playing space, sport and recreation facilities is broadly offset by the introduction of CIL. However, the loss of on-site affordable housing and the education contribution is a significant reduction in the benefits of the proposal to be weighed in

the planning balance. However, no significant adverse impacts of the scheme have been identified. The location remains sustainable in principle and, subject to suitable details at the reserved matters stage, the impacts on residential and visual amenity are considered acceptable. There will be no severe adverse impact on highway safety.

As such, the proposal is considered to accord with local plan policy and the aims and objectives of the NPPF, and should therefore be approved.

## **RECOMMENDATION**

That application reference 17/02643/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
- 1) Secure a contribution of £1,583 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the SSDC Community, Health and Leisure Service.
  - 2) Secure a contribution of £2,962 per dwelling towards the provision of off-site affordable housing, to the satisfaction of the SSDC Strategic Housing Service.
  - 3) Secure a review mechanism, designed to recoup a fair proportion of any available surplus (up to a maximum represented by policy compliance) to further contribute to off-site affordable housing.

b) The following conditions:

01. The principle of residential development in this sustainable location on the edge of a market town is considered acceptable. The proposed development of the site would respect the character of the area, with no demonstrable harm to the setting of the nearby listed building, highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, SS5, SS6, TA5, TA6, HG3, EQ2, EQ3, EQ4, and HW1, and the aims and objectives of the NPPF.

## **SUBJECT TO THE FOLLOWING:**

01. Details of the appearance, landscaping, layout, and scale of the development hereby permitted (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan at 1:5000 scale, received 20 June 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

04. The development shall be implemented in accordance with the ecological mitigation and enhancement measures detailed in section 4 of the Ecological Impact Assessment (EAD, Sep 2014) unless otherwise agreed in writing.

Reason: For the protection, conservation, and enhancement of biodiversity in accordance with NPPF chapter 11.

05. No works shall commence on the site until the works within the public highway shown on drawing 13780/T04, received 20 June 2017, have been fully implemented. A detailed design and specification for those works shall be submitted to and approved in writing by the local planning authority before any works take place and thereafter be adhered to in full.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

06. Any proposed roads approved at the reserved matters stage, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway constructed to at least base course level between the dwelling and the existing public highway of Dancing Lane. The roads shall be subsequently completed in accordance with an approved timetable. The timetable shall be submitted to and agreed in writing by the local planning authority before any dwelling so served is first occupied.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

07. Before each dwelling hereby permitted is first occupied, a properly consolidated and surfaced access linking it to the relevant access road shall be constructed in accordance with details which shall first be submitted to and approved in writing by the local planning authority. These access shall not be surfaced in loose stone or gravel.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

08. As part of a reserved matters application, a plan showing parking spaces in accordance with the Somerset County Council Parking Strategy shall be submitted to and approved in writing by the local planning authority. Each parking space shall be properly consolidated in the approved manner before any dwelling it is intended to serve is first occupied and shall thereafter be made available at all times solely for the parking of vehicles in association with those dwellings.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

09. The development hereby permitted shall not commence until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of construction vehicle movements, construction operation hours, construction vehicular routes to and from the site, construction delivery hours, expected number of construction vehicles per day, vehicle parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of compliance with the Environmental Code of



Construction Practice and a scheme to encourage the use of public transport by contractors, The plan as approved shall be fully adhered to at all times through the construction period.

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset local plan.

10. As part of a reserved matters application, details of a 'no build zone' shall be submitted in plan form to and approved in writing by the local planning authority. The 'no build zone' shall correspond closely to the area shown as undeveloped on illustrative layout site layout plan ref no 1174/03 dated 30 July 2014 and submitted as part of application 14/01704/OUT. No development shall take place within the 'no build zone' other than any that may be required in association with any approved drainage scheme.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

11. The development hereby permitted shall not commence until details of a scheme for the protection of trees and vegetation around the periphery of the site, and specifically in the vicinity of Verrington Lodge, has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be adhered to in full throughout all phases of construction activity relevant thereto.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

12. As part of a reserved matters application, details of measures for the enhancement of biodiversity, to include a landscape and ecology enhancement and management plan relating specifically to the 'no build zone', shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented in accordance with the approved details.

Reason: in the interests of conserving and enhancing biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

13. Prior to, and within 2 months of, the commencement of each significant stage of ground works, an update survey for badger setts shall be undertaken by a competent person, the identity of whom shall first be submitted to and approved in writing by the local planning authority. A schedule of the said significant stages shall be submitted to and approved in writing by the local planning authority before any development commences. If any badger setts are found to be present within 30 metres (including on adjoining land) of any area of activity, the works shall not proceed until a method statement for the protection of badgers has been submitted to and approved in writing by the local planning authority and any necessary Natural England licences have been obtained. Any method statement thus approved shall be implemented in full in the approved manner.

Reason: in the interests of conserving and enhancing biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

14. The development hereby permitted shall not commence until such time as a surface water drainage scheme (to include a full drainage masterplan, associated drainage calculations and a management plan governing future responsibility for and maintenance of the scheme) has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained and managed in accordance with the timing/phasing arrangements and management plan embodied within it.

Reason: In the interests of local amenities and protecting against flood risk and in accordance with local plan policy EQ1 and the aims and objectives of the NPPF.

15. Prior to the commencement of the development, a Measures only Travel Plan Statement is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety and sustainable development and in accordance with policies SS1, SD1, TA5 and TA6 of the South Somerset local plan.

**Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
02. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
03. The developer should be aware of the concerns of the SSDC Conservation Officer in regard to the submitted indicative layout and the likely impact on the setting of the nearby listed building. Similarly the developer should be aware of local concerns in regard to the submitted indicative layout as to the potential impact on the residential amenity of adjoining residents. Before submitting any reserved matters application the developer is advised to contact the planning department to discuss how the indicative layout could be amended to address the above concerns.
04. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice. You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

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