

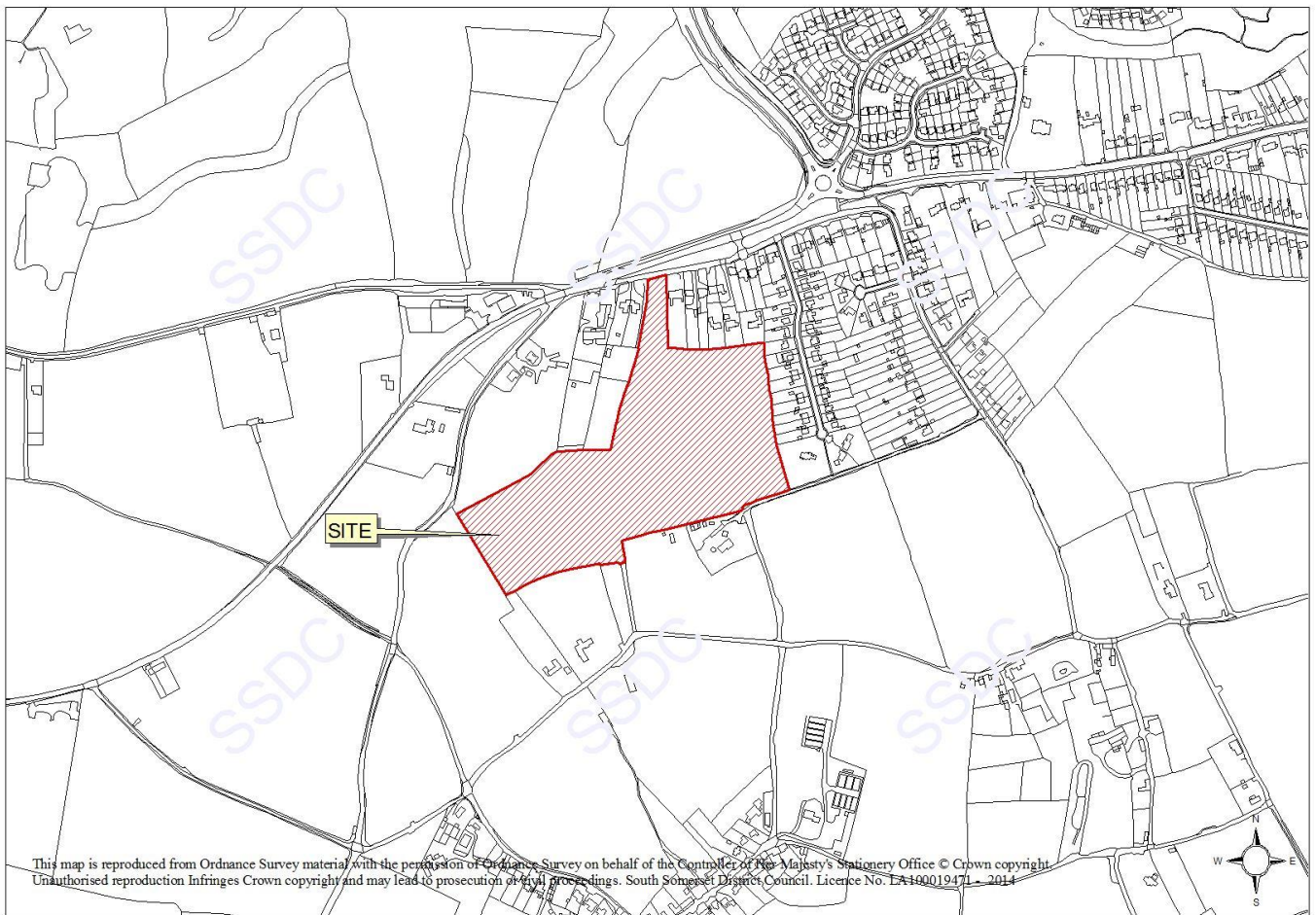
Officer Report On Planning Application: 13/01791/OUT

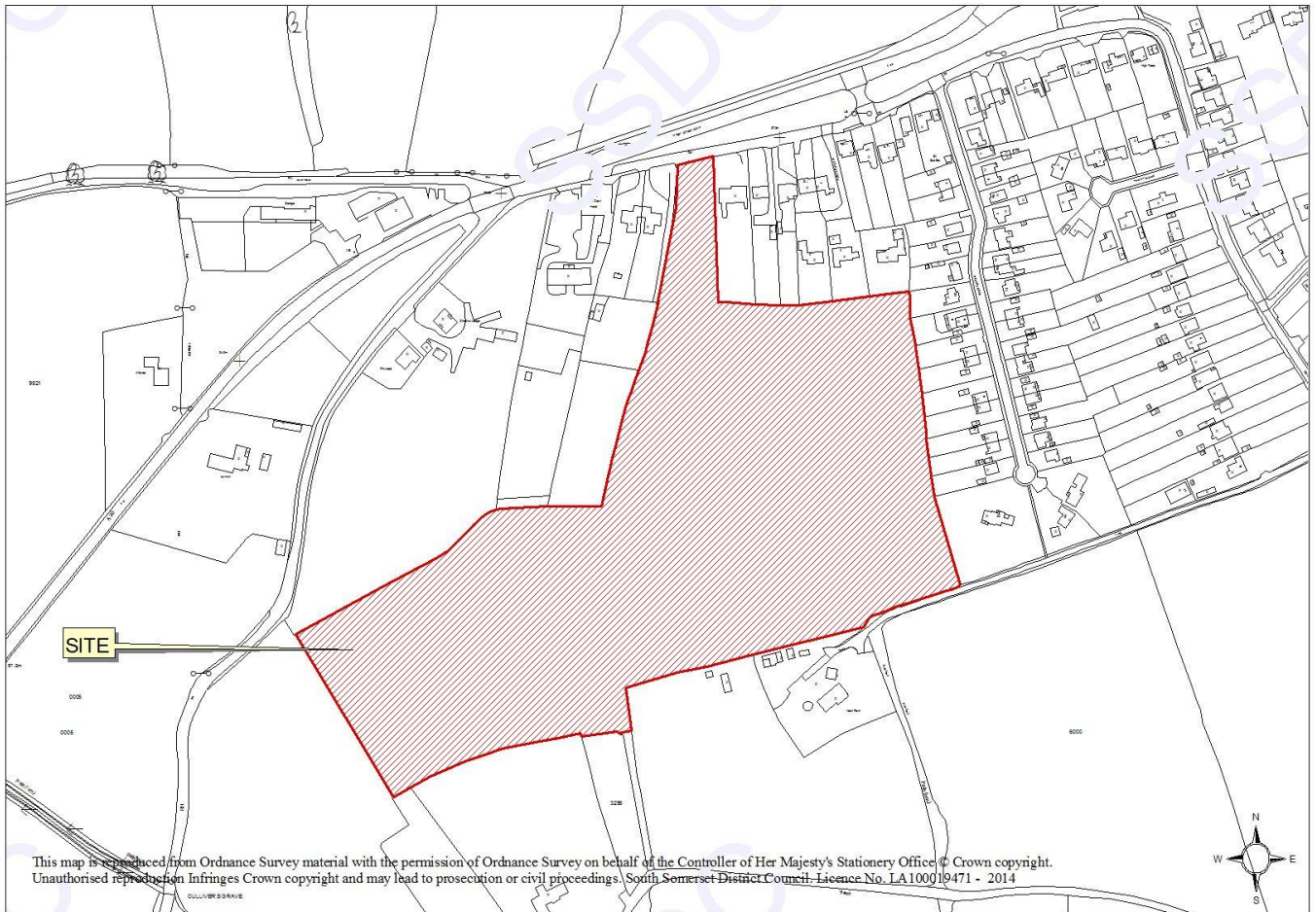
Site Address:	Land East Of Holywell, West Coker Road, Yeovil
Ward :	COKER
Proposal :	Residential development with associated access, landscape and public open space (GR 353369/114123)
Recommending Case Officer:	Simon Fox, Area Lead Officer (South)
Target date :	12th August 2013
Applicant :	Mr John T Cullen
Type : 01	Major Dwlg's 10 or more or site 0.5ha+

Reason for Referral to Committee

This application has been referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman due to the fact the application constitutes a major development and a departure from the local plan.

Site Description and Proposal





The application site lies within East Coker parish and comprises an agricultural field dog-legged in shape bordered by residential development at West Coker Road to the north and Helena Road to the east, Nash Farm and a couple of properties set in large grounds to the south on Nash Lane and Kingspring Lane (both restricted highways) and by Inglemount (White Post Turf) and the Yeovil Court Hotel to the west. Beyond the immediate environs to the south east is Naish Priory, a Grade I listed building and Naish Cottage, a Grade II listed building.

Amounting to 7.6ha, the site gently falls consistently from north to south. The southern and western boundaries comprise mature hedgerows with a number of trees; the northern and east boundaries are largely shared with residential properties and are more varied with hedging and fencing.

Whilst the site is currently outside the development limit as defined in the 2006 Local Plan the emerging Local Plan identifies Yeovil as the prime focus for development in South Somerset. In order to develop 7,441 new homes in the town, the plan proposes an expansion of the urban area to the south and northwest via two urban extensions.

Although this site is not one of those urban extensions this application, made in outline with all matters reserved for later approval except means of access, seeks to develop the site for residential purposes in the region of 144 dwellings. The application includes an illustrative masterplan.

In detail the scheme seeks:

- to provide 35% affordable housing,

- to form a vehicular access into the site from the dead-end part of West Coker Road (the spur-road), by the demolition of No. 169, including the change of priority where this part of West Coker Rd meets Nash Lane,
- to provide a Locally Equipped Area for Play (LEAP),
- to provide areas of public open space,
- create cycle/pedestrian link to Nash Lane in south west corner,
- create shelter belt in the southwest corner, and
- retain prominent mature trees including the TPO in the grounds of No.169.

The applicant has also submitted the following documentation in support of the application:

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Residential Travel Plan
- Landscape Assessment
- Heritage Desk-Based Assessment
- Written Scheme of Investigation for an Archaeological Evaluation
- Archaeological Evaluation Report
- Flood Risk Assessment and Drainage Strategy, Issue 3
- Grade 1 Agricultural Land Note
- Extended Phase 1 Habitat Survey Report
- Bat Survey and Addendum (June 2013)
- Tree Survey
- Utilities Appraisal

A small convenience store is located within the nearby service station to the east and this proposal includes improving general pedestrian/cycle access to this local facility. The same links will also improve access to the bus stop located on the north side of West Coker Road near the Camp Hill/Holywell junction serving buses heading towards the town centre. A new bus-stop layby will be created on the southern side of West Coker Road, serving westbound travellers. These works should be viewed in tandem with those works secured via the Bunford Heights application (13/01869/OUT).

HISTORY

13/01795/EIASS: Request for a screening opinion concerning proposed development: No EIA required: 03/05/2013

No.169 West Coker Rd-

13/02051/FUL: Application for a new planning permission to replace extant approval 10/02010/FUL for the demolition of existing dwelling and the construction of 2 No. detached dwellings with garages and the construction of vehicular access: Application permitted with conditions: 18/07/2013

10/02010/FUL: The demolition of existing dwelling and the construction of 2 No. detached dwellings with garages and the construction of vehicular access: Application permitted with conditions: 27/07/2010

07/01067/FUL: The demolition of existing dwelling and the construction of 2 No. detached dwellings with garages (Re-Submission): Application permitted with conditions: 26/04/2007

Other relevant applications:

Bunford Heights - on northern side of West Coker Rd opposite site access -

13/01869/OUT: Residential development, associated landscaping, open space and new vehicular access: Committee resolution to approve 7th August 2013, pending completion of

planning obligation.

POLICY

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

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

Core Planning Principles

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Annex 1 - Implementation

The development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST8 - Sustainable Construction

ST10 - Planning Obligations

EC1 - Protecting the Best and Most Versatile Agricultural Land

EC3 - Landscape Character

EC8 - Protected Species

EC12 - Archaeology

EH8 - Historic Parks and Gardens

EP1 - Pollution and Noise

EU4 - Water Services

TP1 - New Development and Pedestrian Provision

TP2 - Travel Plans

TP5 - Public Transport

HG4 - Housing Densities

HG7 - Site Targets and Thresholds

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

CR3 - Off-Site Provision

CR4 - Amenity Open Space

CR9 - Public Rights of Way and Recreation Routes

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

East Coker Parish Council (in response to amended plans July 14:

We believe this application should be refused for the following reasons:

- Incremental loss of grade 1 agricultural land
- Outside development limits
- SSDC has a five year land supply
- This direction of growth is not part of SSDC's Local Plan
- Increased traffic on an already potentially dangerous stretch of road bearing in mind there will be 80 new homes already approved accessing this section of road.
- Localism dictates that the residents and the parish Council's views should have weight in planning decisions. In the emerging East Coker Neighbourhood Plan it is unlikely that it would have identified this site both on situation and quantity of dwellings. Housing needs for East Coker were recently identified as 11 dwellings.

West Coker Parish Council (neighbouring parish) (in response to amended plans July 14:

The Parish Council objects for the following reasons:

- Highways - This development has not taken into consideration the already approved development to the North, almost opposite in West Coker Parish. The three to four Junctions in this area are too close to each other and has great potential to increase traffic congestion on an already overstretched section of the A30.
 - Housing density is too great in this area as this application has not been considered in the Eastern Corridor Scheme.
 - 5 year Plan - This development has not been include in the 5 year plan.
 - Grade 1 Agricultural Land - The report provided did not take into account the considerable importance of Grade 1 Agricultural Land. MAFF definition of Grade 1 Land, "Land with NO or very MINOR limitations to agricultural use. A very wide range of horticultural and agricultural crops can be grown. Yields are high and less variable than land of lower grading "
- Historically this land produced the best flax for the sailcloth industry and was of national importance. We will need to produce at least 35% more food for growing populations. Even 1 acre of land of this quality lost to the future should not be contemplated.

Odcombe (neighbouring parish) (in response to amended plans July 14:

Concern regarding how this proposal will impact on the access onto the A30 from Camp Road which is a major route to the village.

Highways Authority (Somerset CC):

"I refer to the above application which was originally received by the Highway Authority on the 27th May 2013 and my initial response to the LPA on the 9th September 2013, as well as amendments that have taken place with regard to the technical aspects of the application, culminating in amended plans / proposals being formally received by the Highway Authority on the 14th July 2014.

By way of an update, you may recall from my original comments made in September 2013 that the Highway Authority originally had a number of concerns with this proposal and that the applicant was advised of these concerns by the LPA, which related primarily to a substandard access arrangement and lack of a suitable Travel Plan to encourage the use of non-car modes of transport.

Following on from this, the LPA may be aware that the Highway Authority was approached during the latter part of 2013 independently of the application with a fresh set of proposals, which included an acceptable ghost island right turn arrangement on the A30 (as shown generally in accordance with TTC drawing Proposed Access Option 1C) and an updated Travel Plan which passed successfully through the appropriate checks and confirmation was given to the developers highway consultants that this was the case at the end of January 2014, although there appeared to be some confusion after this date as to whether or not the application was ever formally amended with a number of unanswered emails being sent to the LPA on this subject.

As mentioned above however, these amended proposals have now been formally received by the Highway Authority and I can therefore confirm to the LPA firstly that the access arrangement is now considered satisfactory (Option 1C - subject to a negative planning condition requiring all highway works to be complete before any work commences on any dwelling approved on the site) and secondly that the revised Residential Travel Plan is incorporated into a suitable worded S106 Agreement, with other details such as parking provision and drainage being dealt with by suitably worded conditions.

In addition to the access works on the A30 described above, I am also aware that the applicants may have recently submitted draft proposals to the LPA for a proposed cycle link between the site and Plackett Lane (within existing public highway limits) and I can confirm that the Highway Authority has considered these proposals and would be generally supportive of such a proposal being incorporated into the application submission (subject to detailed design being approved) with Option 1 being the preferred option, although funding for such a scheme would need to be met entirely by the developer in this case. Such a proposal would then create a shared footway and cycleway on the north side of the A30 West Coker Road and it's technically possible for these works to be incorporated into the S278 Agreement necessary for the ghost island right turn lane access further to the west (also covered by a suitably worded negatively worded planning condition).

As such and in light of the above, I can confirm that the Highway Authority has no objection in principle to the development, subject to the inclusion of the revised Residential Travel Plan in an approved S106 Agreement, and that the following conditions are attached to any consent (conditions include consolidated accesses, estate roads, turning and parking, a condition survey of the highway, a construction management plan, surface water, and detailed drawings of the access arrangements).

SSDC Planning Policy:

"Given the progress the emerging Local Plan over the last year and the latest housing land supply position, these comments supersede my comments of 10th July 2013:

The proposal is located outside (albeit adjacent) the development area, and is therefore not in accordance with 'saved' Policy ST3 in the adopted Local Plan. However, the policy framework provided by the extant Local Plan (1991 - 2011) is time-expired and becoming increasingly out-of-date, with certain policies not fully consistent with the National Planning Policy Framework (NPPF). In this context the application must be considered in light of the NPPF, 'saved policies' in the adopted Local Plan, and the emerging Local Plan (eLP).

The Council considers that it has a five-year supply of housing land, plus the appropriate buffer (of 20%), although it should be noted that this is currently being challenged at planning appeals. Therefore, the Local Plan housing supply policies are not automatically rendered out-of-date (NPPF, para 49), and the presumption in favour of sustainable development for decision-taking is not automatically invoked (NPPF, para 14). Nevertheless, although saved Policy ST3 has sustainability aspects which are in line with the general thrust of the NPPF, given the age of this policy it is considered to be overly restrictive in relation to plan-making to meet development needs unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted (NPPF, para 14).

The NPPF states (para 216) that the more advanced the stage of preparation, the greater the weight that may be given to emerging plans. The emerging Local Plan is at an advanced stage, and is currently the subject of consultation on Main Modifications following resumed hearing sessions in June 2014. Yeovil is identified as a 'strategically significant town' having by far the widest range of jobs, community facilities and services in the District. Accordingly, the eLP proposes significant housing growth at Yeovil (7,441 dwellings over the period 2006-28). The eLP is clear that this development should be located within the existing urban framework, and at two sustainable urban extensions to the south and north east of the town,

as set out in Policies SS5, YV1, YV2 in the eLP. The proposal is outside the urban framework and is not within the two urban extensions, and is therefore not in accordance with the emerging Local Plan.

However, the refusal of planning permission on grounds of prematurity is unlikely unless (a) the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of development; and (b) the emerging plan is at an advanced stage but is not yet formally adopted (Planning Practice Guidance Ref. ID 21b-014-20140306). Although criterion (b) is applicable, I do not consider that the proposal would invoke (a), and therefore I do not consider that refusal solely on grounds of prematurity is appropriate.

I am aware there are site specific issues relating to landscape impact and effect on the character and appearance of the area, and local concerns on the highways impact. In addition, the proposal is located on grade 1 agricultural land - areas of poorer quality land should be used in preference to that of higher quality (NPPF, para 112). One of the eLP Yeovil sustainable urban extensions is located entirely on grade 1 agricultural land; however, this was prepared within a different context of considering strategic options for growth as part of the Local Plan and clear, credible reasons for this proposal were given through the Local Plan Examination.

Overall, the proposal is not in accordance with policies in both the adopted Local Plan, and the emerging Local Plan. However, as highlighted, the NPPF is an important material consideration, and the various planning issues should be weighed up in considering whether the proposal is consistent with the presumption in favour of sustainable development (NPPF, para 14)".

SSC Archaeologist:

"Following our conversation this email is to clarify the potential settings issues on the Scheduled Monument "Chessels Roman Villa" that lies to the south-west of the proposal site. The proposal site lies on high ground above the villa in a field surrounded by mixed hedgerows and trees. The setting of the villa is that it lies in a generally open landscape on a slight south facing slope with long distance views south and south-east to the chalk downland of North Dorset. It is bounded on all sides by hedgerows and roads, the A30 on the west and rural lanes on north, east and south. It is difficult to assess if the villas modern agricultural field setting relates to its original Roman period landscape but it's clear that the setting would be severely impacted by development to the south and south east of the villa. The northerly aspect of the villa is bounded by a sunken lane with the development field further separated from the villa by hedgerows and a road. Views from the site to the north and north-east are restricted compared to the southerly aspect. The development limit lies 160m to the north-east of the field boundary closest to the villa field and so does not encroach on the villas rural setting and lies at a great enough distance north-east from the villa to have none, or only limited effect on the villas' setting.

I have requested advice from English Heritage and received an email that confirms the proposal site was visited by a member of EH staff and that subsequent advice to SSDC was that there would not be significant impacts to the Listed Buildings or other designated assets. Therefore, the buried archaeological assets on the site remain the only issue to be resolved and as previously advised, these can be dealt with through the imposition of the condition contained in my last email quoted below:

The archaeological evaluation has been carried out and show that there are archaeological; remains in part of the site reflecting prehistoric activity. These remains can be dealt with through further investigations prior to development.

For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted".

SSDC Conservation Manager:

"The principal concerns are not with the impact upon heritage assets but with some urban design issues such as the (undesirable) formation of an enclosed enclave which does not connect through anywhere except by the access to West Coker Road. There are probably opportunities to make more connections".

English Heritage:

"I can confirm that in our view the proposals would not present 'substantial harm' (NPPF 132-134) to designated assets forming part of the historic environment and thus we do not wish to raise any objection on this occasion".

SSDC Landscape Architect:

"The Yeovil peripheral landscape study (YPLS) was undertaken in September 2008, with a brief to identify land at the edge of the settlement that might have a capacity for development without undue impact upon its surrounds. This study was undertaken against the backdrop of a district-wide need to allocate development sites in its LDF, later revised as 'directions of growth'. The outcome of that study indicated that this site lays within an area that has a moderate-high capacity to accommodate development. Consequently it would appear that it is a logical site with which to progress development proposals. Conversely, it has to be stated that the YPLS was undertaken to complement other evidence-based work that was to inform the site allocation/area of growth selection process. That process is now complete, with an outcome that this site was not selected for development. As such, it remains agricultural land, laying beyond the settlement edge.

The landscape position does not support the development of agricultural land outside the urban edge, unless there is a clear local policy in favour of development. If the council is in the position that additional residential sites are needed, then I recognise - as did the YPLS - that much of the site, i.e; the larger, easterly portion, is well related to the built form of Helena and West Coker Roads, and potentially could accommodate built form without too great an impact upon the wider countryside. However, if there is no planning need for additional housing sites, then there is a landscape case to conserve the countryside for its own sake, noting there is no intrinsic enhancement in supplanting open fields with built form and hard surfacings. Consequently, given the local plan policy position, there is no landscape support for development of the site before us.

A note on the layout. The arrangement of roads and housing shows little respect for context. The majority of the housing backs onto bounding hedges, and open fields beyond, with the subsequent potential for erosion of the hedges/visual intrusion of domestic paraphernalia. Open space is dis-aggregated, and has little coherence, whilst little consideration appears to have been given to the settings of local historic assets, which would redefine the masterplan. The housing arrangement appears very retro, and its capacity to accommodate parking standards would appear limited. Whilst the proposal is relatively low density, it appears crowded against the current urban edge, and consequently unsympathetic to local urban character. Whilst I recognise that the layout is indicative, in the form presented it does not offer good urban design. Consequently there is no landscape support for the proposal as presented to us".

In response to representations made by the agent:

"The peripheral landscape study - addendum (PLSA) found much of this application site to have a potential for development. Whilst an area is indicated (figure 1.9 within the PLSA) I would advise;

(a) The PLSA is a strategic study. It is the nature of such studies that more detailed investigation will refine the findings of such a broad-level document, as has proven to be the case with both of our proposed UEs. Similarly, the PLSA does not present the area shown on figure 1.9 as definitive.

(b) It is rightly noted that PLSA included an assessment of 'settings', in seeking to establish

limits to potential development areas. However, (i) the PLSA states these to be assumptions only and (ii) stressed the need for more detailed work to clarify setting extent, which can change outcomes.

(c) Part of the PLSA's findings were the identification of potential development sites. I would re-iterate an emphasis on 'potential', for (i) it cannot anticipate the findings of a detailed appraisal of any specific site, nor (ii) does it envisage the whole of a potential site being taken up by built form.

(d) Clearly an individual proposal will present specifics that cannot be anticipated by a strategic level document (such as the PLSA) and thus my response to this proposal will not necessarily reflect the outcome of the earlier, strategic, document.

Returning to the application currently before us;

(1) My response of June 2013 was given knowing that this edge of town was not within the direction(s) of growth proposed by the Submission Local Plan. If that is still the Policy position, then that response remains valid.

(2) If however, the Policy position enables the possibility of development in this location, then consistent with the findings of the PLS and PLSA, I acknowledge that there is a potential for some form of development here. However, reviewing the proposal before us, whilst I consider the east side of the site as having a credible relationship with the existing town edge (as represented by Helena and West Coker Road's housing) I view the westward extension of the site (broadly plots 16-58) which projects housing into open countryside with no credible tie with the urban edge, to be at variance with local character, and thus fail to satisfy local plan policy ST5 para 4. Consequently the landscape objection to the extent of the current proposal stands".

Strategic Housing:

"Regarding the affordable housing element of the scheme - current policy requires 35% affordable housing split 67:33, social rent: shared ownership or other intermediate solutions.

I would expect 50 affordable units - based on 144 dwellings.

The 50 affordable units would be split 67:33; 34 social rent and 16 shared ownership or other intermediate solutions.

In addition to a housing mix of one, two, three and four bedroom properties we have an expressed need for one bedroom houses and two and three bedroom bungalows in Yeovil. Further dialogue is necessary to determine the numbers and the tenure of such properties.

I would expect the affordable units to be pepper potted throughout this site. I would suggest that the units are developed to blend in with the proposed housing styles".

SSDC Ecologist:

Initial response - July 2013:

"I'm satisfied with the scope of the surveys undertaken and I'm in broad agreement with the reports' conclusions (Extended Phase 1 Habitat Survey-Aug 2012, Interim Bat Survey-Apr 2013 and Bat Survey Report Addendum-June 2013, all by Charlotte Peacock Associates). These haven't identified any significant ecological issues or constraints to the proposed development".

Biodiversity enhancement should be encouraged by condition along with conditions for a badger survey and reptile survey.

Second response - August 2014 after neighbour representation critically appraising bat surveys:

"A letter has been received (Mrs.L.Harwood, 18/07/2014) that provides very detailed criticisms of the bat survey reports submitted with this application, and regards the information to be inadequate".

Detailed consideration of those points is made, "I conclude this site is unlikely to be more than minimal importance for bats. Consequently I don't consider there is strong justification to require a further bat survey".

A further Extended Phase 1 Habitat Survey and Bat Survey Report was submitted in August 2014. The Ecologist commented that there did not appear to be anything new or updated and he had no further comments to make.

Somerset Wildlife Trust

Noting the Habitat Survey Report and the Bat Survey the recommendations should be carried though inclusive of bird boxes. Also further surveys for badger, bird and tree before final approval is given.

"Green Corridors" are said to be included but the proposed layout does not seem to present the opportunity. Enhancement for wildlife should be reflected in the design.

SSDC Tree Officer:

If consent is granted a tree protection condition is requested.

SSDC Community, Health and Leisure Service:

An on-site outdoor play area is shown on the indicative plan albeit it is too small. 646qm of space is required which would form part of the planning obligation.

A financial contribution to equip this area is sought:

- equipped play space contribution of £123,555 with a commuted sum of £71,368; Trigger Point for contribution = Occupation of 25% of total dwellings,

Youth facilities are also desired for the site; as such a contribution is sought:

- youth facilities contribution of £24,261 with a commuted sum of £8,970; Trigger Point for contribution = Occupation of 25% of dwellings,

In the case of other categories of provision financial sums to cater for off-site provision (new provisions or enhancements of existing facilities) are sought.

Categories of provision and levels of contribution include:

- playing pitches contribution of £56,995 with a commuted sum of £40,669 (dedicated to the enhancement of existing pitches or the provision of new pitches at East Coker Recreation Ground or in Yeovil); Trigger Point for contribution = Occupation of 50% of total dwellings,
- changing room contribution of £115,717 with a commuted sum of £9,309 (dedicated to the enhancement of the existing changing rooms at East Coker Recreation Ground or the provision of new changing rooms as part of a project to develop a new community hall/changing room facility at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,
- community hall contribution of £221,509 (dedicated to the enhancement of East Coker Village Hall or the community hall element of the project to develop a new community hall/changing room facility at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,
- strategic off-site provisions in Yeovil; Trigger Point for contribution = Occupation of 75% of total dwellings:
 - swimming pool - £53,116
 - sports hall - £87,072
 - indoor tennis courts - £34,044
 - synthetic turf pitches - £11,549
 - theatre and arts centre-Octagon Theatre - £44,963

Commuted sums relate to a 10-yr maintenance period for the facility.

Should the corresponding infrastructure not be provided within:

- a 5 year period (equipped play space, youth facilities and community halls provision);
- or
- a 10 year period (all other categories of provision),

the individual contribution may be reclaimed.

The figures relate to a net increase of 143 dwellings. Figures will have to be set to relate to the final number of dwellings approved at the Approval of Reserved Matters stage. Based on 143 dwellings the overall contribution would total £912,127 (or £6,379 per dwelling). This will be index linked. This total also includes a 1% Community, Health and Leisure Service Administration fee (£9,031). An additional Legal Services fee and separate S106 Monitoring fee will also be applicable.

SSDC Open Spaces Officer:

No objections to this proposal but the developer needs to be mindful of policy CR2 and the Design Guide Addendum which will need to be adhered to at the reserved matters stage.

SCC Education:

"A development of 144 dwellings would require 29 primary school places, but the local schools are all already at or over capacity and are forecast to remain so for the foreseeable future, without taking new development into account. Financial contributions will therefore need to be secured in order to mitigate this additional pressure if planning permission is granted for the scheme. The cost of each place is £12,257, so a total of £355,453 would need to be sought for this purpose.

Similarly, the development would require 20 secondary school places and, whilst there are a few currently available places at the nearest school, Preston, these are forecast to be required for a rising roll, particularly given the cumulative impact of other developments in this part of Yeovil. The cost of each secondary school place is £18,469, so a contribution totalling £369,380 should also be sought.

Finally, four pre-school places would need to be funded, with a cost of £12,257 per place, so an additional contribution of £49,028 will be required".

Environment Agency:

No objection following submission of the revised flood risk assessment by Complete Design Partnership Ltd reference 13-5508-FRA dated 09/029/2013, subject to conditions and informatives relating to:

- A scheme for surface water run-off and maintenance of drainage system
- Contaminated land
- Sustainable construction
- Pollution prevention during construction
- Waste management

Comment is made regarding the proposed Surface Water/Sustainable Drainage Systems (SuDS):

"Surface water run-off should be controlled as near to its source as possible with sustainable drainage systems (SuDS). This reduces flood risk through the use of soakaways, infiltration trenches, permeable pavements, grassed swales, ponds etc. SuDS can also increase groundwater recharge, improve water quality and provide amenity opportunities. A SuDS approach is encouraged by Approved Document Part H of the Building Regulations 2000".

Wessex Water:

"Our recent advice regarding drainage contained with Appendix C of the FRA and Drainage Strategy 13-5508 Issue 1 29/04/2013 submitted with the application is still current".

Modelling being undertaken to assess capacity of the existing water supply network.

SSDC Technical Services:

Details of surface water attenuation to be submitted for approval.

No comments have been received from the Rights of Way Officer, Garden History Society, Somerset Waste Partnership, Yeovil Chamber of Trade and NHS Primary Care Trust.

REPRESENTATIONS

Neighbouring properties to the site have been notified. A press advert has been placed and a site notice has also been displayed (major development and departure from local plan).

1 letter of support has been received, it states:

- "We are for the development. There seems to be a lot of Nimbyism regarding this application. Yeovil has to grow to move forward and people have to have somewhere to live".

55 couples/individuals have provided representations on this application as too have the East Coker preservation Trust; one petition was received. A summary of comments:

- This application is premature and prejudicial to the Local Plan process.
- The south side of Yeovil now appears to be receiving more than its fair share of development very much to Yeovil's detriment.
- The proposal is contrary to the South Somerset Proposed Submission Plan 2006-2028. This site was considered by the SSDC Project Management Board on 26 November 2012 and rejected. Notes from that meeting recall - 'PMB re-considered the proposed inclusion of land to the rear of Yeovil Court and agreed that it would not be included as part of the Yeovil Sustainable Urban Extension due to the potential for it to compromise/encroach on the East Coker and North Coker Buffer Zone and the fact it is identified as having a low capacity to accommodate built development with the Historic Environment Assessment'.
- The site has archaeological importance. The proposal would impact on the setting of the Roman Villa site at Chessels and Dunnock's Lane.
- The proposal would impact on Naish Priory contrary to Policy EH5.
- "The proposed site is within the East Coker parish boundary. East Coker Parish Council has begun the formal process to develop a Neighbourhood Plan which, inter alia, will include planning for appropriate and proportionate development of housing within the defined area boundary. This planning application will prejudice the proper consideration of the forthcoming Neighbourhood Plan by the community of East Coker".
- The buffer zone should be respected. East Coker, Nash, Holywell, Burton and West Coker do not want to be swallowed up as so many hamlets and villages surrounding Yeovil already have been.
- There is no need for more homes, where necessary use brownfield sites.
- This area has always been sought after because it is surrounded by open countryside; as such people have paid a premium on the house price.
- The peace and quiet and the countryside will be destroyed.
- Loss of Grade 1 agricultural land.
 - o NPPF - "Protecting the Best and Most Versatile Agricultural Land"
 - o The growing of food is becoming a serious issue.
 - o Other developments are also threatening the loss of high quality farmland.
- Highways/Pedestrians and Cycling.
 - o The single point of access will cause traffic issues.
 - o The slip road is not wide enough for two vehicles to pass and will not be suitable for construction lorries etc.
 - o Children use this stretch of quiet road to reach the bus stop.
 - o Cyclists also short cut here to avoid the A30.
 - o Cyclists are put off Bunford Hollow because of its steepness.
 - o There are no crossing facilities on West Coker Rd.
 - o There is already consent for another access on the other side of West Coker Rd so chaos will ensue.
 - o Local residents will face very serious problems accessing and exiting the A30 especially at peak times.

- o Traffic would increase on the Holywell road.
- o The southern cycle/pedestrian link accesses a lane that is not made up and barely one car wide.
- The bus only runs every hour and so is not practical for people working in Yeovil or Crewkerne.
- Extra strain on local services.
- Where are the jobs to cater for new people?
- Wildlife impacts - frogs, toads, grass snakes, hedgehogs, hares, deer, birds (barn owls, green woodpecker, dormice, buzzards, sparrow, hawks, kestrels, skylarks, swallows), bats, stoats, slow worms, foxes, badgers, newts, butterflies (fratilleries, white admirals)
- No statement regarding sustainable energy production.
- Light pollution.
- The site has a tendency to flood.
- Most parents will drive to the primary school and there is no free transport to secondary schools in this area so children will have to be driven there.
- The layout appears too dense and the plots too small, it lacks any creativity or innovation.
- The comparative site in Wincanton is cramped due to on street parking.
- Construction access and noise, working hours.
- The access road would impact upon No.171 West Coker Rd and two bedroom windows in the side elevation.
- The proposal would impinge on the ability of a local resident to follow their hobby as an astronomer.
- "It is disappointing that the applicant has failed to engage with the community prior to submitting this application, despite the clear encouragement to do so in paragraph 66 and 189 of the NPPF".
- Loss of view.
- Impact on property values.

Since consultation on amended plans, primarily the alteration of the highway access, in June 2014 the following further points in objection to the proposal have been made:

- The council now has a five-year land supply with 20% buffer and so there is no presumption in favour of development.
- The site is not within the planned urban extensions.
- A number of homes have an established right of way onto the site gained under prescription since the houses were constructed in the period circa 1930-1980.
- The travel plan includes unrealistic targets and initiatives.
- "Priority is planned to be given to the residents of the 144 new dwellings, over those living in Helena Road and Nash Lane, when seeking to gain access to the highway network at West Coker Road. The increase in traffic, especially at peak times, together with this change in priority will seriously disadvantage existing, long standing residents, as well as adding to current serious difficulties in gaining access onto West Coker Road".
- The bat survey is not adequate.

CONSIDERATIONS

The application raises numerous issues, each will be considered here in turn. This is an outline application for 144 dwellings will all matters, except means of vehicular access, reserved for future approval via an application for the approval of Reserved Matters. As such many matters of detail including design, specific layout and residential amenity are those issues not able to be examined at this stage.

Principle of Development

The proposal is located outside (albeit adjacent) the development area, and is therefore not in accordance with 'saved' Policy ST3 in the adopted Local Plan. However, the policy framework provided by the extant Local Plan is time-expired and becoming increasingly out-of-date, with certain policies not fully consistent with the NPPF). In this context the application must be considered in light of the NPPF, 'saved policies' in the adopted Local Plan, and the emerging Local Plan.

Although the Council is of the view that it currently has a five-year housing supply with appropriate buffer this view is being currently challenged. On the basis that the necessary housing supply can be demonstrated the NPPF instructs approving development in accordance with the development plan which as stated above it does not. Elsewhere the NPPF states that policies in emerging plans can be given increased weight as the plan advanced. The emerging local Plan is at an advanced stage and outlines that Yeovil should accommodate significant growth over the plan period of, primarily through the strategic allocation of the sustainable urban extensions and otherwise in the urban framework (current built limits) of the town. The proposal is also therefore contrary to the emerging plan.

The Planning Policy officer also gives commentary on prematurity and the issue of Grade 1 agricultural land. With regard to this matter the agent argues that the land has limited yield ability to provide high quality agricultural land that is economically or practical to farm extensively, due to drought, nutrient loss, the shape of the field, the lack of irrigation and restricted crop choice. Seemingly the Grade 1 status is therefore challenged. Whilst the Council is advocating the use of Grade 1 land for a strategic allocation this does not override the requirement for developers to promote poorer quality land in preference. Given the amount of Grade 1 land proposed to be used and the relevant benefits of the housing development it is not, on balance, a matter the LPA find objectionable enough to base a refusal upon.

It remains therefore an assessment as to whether the proposal before us represents sustainable development and whether any harm is outweighed by the benefits of the scheme. What follows is an assessment of potential impacts within this application, which seeks outline consent with all matters reserved except means of access.

Layout, Landscape Impact

The application site is too extensive in area to be classed as a natural rounding off of the south west of Yeovil's urban area. The western leg protrudes in an ungainly fashion into open countryside with no credible landscape boundary or anchorage; the agent states the field is an odd shape for agriculture practices reinforcing this point.

A letter from agent dated 27th Nov 2012 seeks to justify the extent of development using work undertaken by the Council's Landscape Architect however the context in which that work was produced was for a wider Yeovil assessment, it was not produced with the aim of setting built development limits, as explained in the Landscape Architects recent comments.

With the built form of the development to be agreed via the reserved matters application there are no specific aspects to assess, however the Design and Access Statement does indicate the site would accommodate two to five bedroom dwellings. The indicative masterplan also shows areas of public open space and an equipped play area.

The application has been made on the basis that the site would accommodate approx. 144 dwellings at approx. 19 dwellings per hectare, the agent has also assessed this against Watercombe Heights (20), Helena Road/Nash Lane (10.70) and the Laburnum Way/Ashmead area (30). If Members are minded to approve it would be strongly suggested

to restrict the number of dwellings by condition to 144.

In terms of impact on the setting of heritage assets (archaeology is dealt with elsewhere) Chessels Roman villa (a Scheduled Ancient Monument) and the Grade I and II listed buildings at Naish Priory the submitted Heritage Assessment has found there to be a slight impact arising from the proposal. The assessment cannot quantify precisely given the application is in outline but it is unlikely to be substantial it claims. This view has been validated by English Heritage.

The historic park of Brympton d'Evercy is just over 1km to the north-west of the site and a second Roman Villa, also a Scheduled Ancient Monument is just under 1km away to the south-east (Dunnocks Lane). The assessment concludes there would be no impact on these assets. By inference English Heritage has validated this view. As such it is considered the site can be developed in a manner to safeguard the setting of the identified heritage assets in accordance with the NPPF and Local Policies ST5, ST6, EC3 and EH8.

The application for reserved matters would give the opportunity to review sustainable construction through design, layout and solar orientation, in light of increasing requirements through building regulations.

Referring back to the Landscape Architect's comments the site has no credible tie with the urban edge and is at variance with local character contrary to criteria 4 of Policy ST5. In this case, given the strong view, it is not felt the relative benefits of the housing outweigh this particular issue when those same benefits could be met with a reduced development that preserves landscape character.

Archaeology

The primary archaeological issues are the potential setting issues on the Scheduled Monument 'Chessels Roman Villa' that lies to the south-west of the site, and the buried archaeological assets on the site. With regards to the setting issues the comments of the SCC Archaeologist are noted and this has been validated by English Heritage. In terms of buried archaeology there are suggestions that the site has remains reflecting prehistoric activity. The suggested way forward is via further investigation required via condition, prior to the commencement of any development.

This approach complies with Local Plan policy EC12 and para 141 of the NPPF.

Highway Implications

The application is supported by a Transport Assessment and Travel Plan. These documents and the latest plan 'Proposed Access Option 1C, dwg.11 Rev.A' are supported by the Highway Authority as confirmed in their comments of August 2014.

The originally submitted plan in May 2013 only and simply showed a give way junction access from the site boundary onto the dead-end spur road of West Coker Road. This attracted an objection from the Highway Authority in September 2013. The main conclusion stated, "A detailed analysis of the applicant's proposals has however highlighted a series of serious deficiencies with regard to both the Transport Assessment and detail of the proposed access arrangement". The lack of information to be able to determine the traffic impact, the failure to promote sustainable transport modes and achieve a safe access, and the lack of a travel plan were further reasons to object to the proposal as it stood. The technical and road safety audit undertaken by the HA also concluded the turning arrangements off the main A30 were insufficient to cope with the expected number of movements. A straightforward reason for refusal was offered.

Due to this and other deficiencies with the application the agent was strongly advised in

September 2013 to withdraw the application, undertake the much needed public consultation, redress the highway issues, taking into account other local issues and resubmit afresh. This advice was not taken and meetings were then held with the Highway Authority without the involvement of the LPA. The outcome of such meetings was an amended plan showing the now proposed rearrangement of the spur road and a change in priority to Nash Lane. This means those vehicles emerging from Nash Lane and Helena Road from the west would now have to give priority to those vehicles emerging from the proposed site and 13 other properties accessed off the spur road before reaching the A30 junction. The proposed plan takes into account the arrangement that has been agreed in principle for the Bunford Heights development, namely the provision of a left right staggered ghost island junction. That application also secures a footway on the northern side through the existing bus stop to the Camp Road junction with a dedicated crossing point to the White Post Garage. Another crossing point across the A30 to the spur road has also already been secured. It is important that this scheme also secures these improvements in case the Bunford Heights scheme stalls.

In addition to these alterations a new bus stop layby is proposed on the south side with footway link. By widening the spur road a new footway would also be constructed on the south side of the spur road from the site boundary to the point at which the spur road meets Nash Lane, presumably inclusive of vehicle crossovers for those existing properties.

The application now also includes the provision of improved cycling infrastructure from the site along West Coker Road, in particular from the roundabout at Bunford Hollow to Plackett Lane, opposite Balidon Place. As part of the southern sustainable urban extension routes to and from the site are being explored as to their potential for providing improved and safer cycling and pedestrian provision. Plackett Lane from Sandhurst Rd to West Coker Rd is one such route, if this were to be delivered then a short stretch from Plackett Lane to the roundabout would be the gap in a potential cycle route around the southern and eastern edge of the town. The agent's transport consultant has undertaken a feasibility study and offered two options, a cheaper southern side option and more expensive northern option with extra crossing. Whilst work on the sustainable urban extension continues it is felt, taking the £50,000 offered, if the application is approved, would be the more practical way forward. Such a sum would cover the full cost of the southern option costs but additional funding would be needed to undertake the northern option.

The proposed vehicular access arrangements were drawn up in consultation with the Highway Authority only, thereby removing the opportunity of the LPA to influence. The proposed arrangement has attracted significant objection with local residents pointing to long queuing times within Nash Lane particularly when waiting for an opportunity to pull-out and travel eastbound due to the existing weight of traffic on West Coker Road. This matter will not improve given the extra traffic trying to gain access to the A30 and the presence of a new central turn right lane for vehicles turning into Nash Lane from the west. Furthermore this arrangement would do little for pre-existing issues along this stretch of highway which local residents and Parish Councils highlight. These issues include general speeding and the safety issues raised by the juxtaposition of junctions around Camp Road, the exit to the White Post Garage and the road to Holywell/Hardington. The ability to improve existing issues whilst facilitating development and enabling a safer highway network was high on the priority list for officers, and so the support from the HA on the drawn scheme hampered any attempts to achieve such. Indeed a meeting was called with the agent, Ward Members and County Councillor to promote the feasibility of a new roundabout that would serve this site and Bunford Heights, having the effect of reducing vehicles speeds and balancing traffic flow priorities. In fairness to the agent a scheme was drawn up following that meeting and presented to the Highway Authority and some agreement was reached with the developer of Bunford Heights to amend the agreed access to that site but the HA favoured the scheme it

had negotiated with the agent and found issues with the roundabout scheme and so with that support the agent showed little willingness in pursuing the LPAs favoured way forward.

It is fair to say the Highway's Authority's acceptance of this scheme on the basis that the impact is not significant enough is understandable if somewhat frustrating. There is an aspiration shared by local councillors and officers to secure a highways scheme that will serve both this scheme and the development at Bunford Heights however the scheme before us has to be assessed on its own merits.

Policy ST5 of the Local Plan requires developments to have a satisfactory means of access and show traffic can be accommodated on the local transport network. The NPPF (para 32) requires decisions to take into account whether improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development. "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe". It is on this basis that given the HA response officers feel they cannot progress a negative recommendation on highway grounds.

Given the view of the Highway Authority the risk of costs being awarded, if in the opinion of the Inspector an unreasonable case by the LPA is put forward, officers cannot strongly advise members to consider refusing the application on this matter. Members will be aware that the lack of an objection from the Highway Authority does make it difficult to substantiate a recommendation for refusal however Members can take into account the views of local people and their own knowledge of this area to reach a different conclusion.

The agent has submitted a revised Travel Plan during the course of the development. Whilst some benefits are embellished Members will recall that Bunford Heights has a resolution to approve and is in geographically the same area and would share the same linkages and be the same distance to key destinations as this site. It has been agreed by the Highway Authority and in any approval the travel plan will be tied by S106 and then monitored by the Highway Authority travel plan team. The Travel Plan highlights bus services assessed via the bus stops outside and opposite the Yeovil Court Hotel. In terms of access to the town centre there is an hourly service.

Despite severe reservations, on the basis of the input from the Highway Authority one reluctantly has to conclude the proposal is in accordance with the NPPF and local plan policies ST5, TP1, TP2 and TP5.

Affordable Housing

The comments of the Strategic Housing Team are noted and the requirement for 35% affordable housing is justified by policy HG7 of the Local Plan. The planning obligation will have to cater for various parameters including the securing of grant (public subsidy) and the overall dwelling numbers at the reserved matters stage. The specific location of affordable units will be assessed/determined during the reserved matters stage.

Trees

Whilst the majority of the site is an open field, it is bound by mature hedging and trees. Any approval of reserved matters would seek to retain and strengthen existing perimeter landscape features and the layout plan, albeit indicative, shows the opportunity for tree planting within the main body of the site within streets and open spaces. The Council's Tree Officer has sought a general condition to protect existing trees during the course of the development and this could be extended to hedgerows also.

Wildlife

An extended phase 1 habitat and bat survey report has taken place and has identified limited badger activity and bat habitat. The impact is not considered to be significant. Foraging areas and commuting routes for bats aren't specifically protected by legislation (unlike their roosts). The Council's Ecologist has pointed out that the bat species recorded (Common Pipistrelle, Soprano Pipistrelle and Serotine) do have strong associations with urban areas. Indeed the predominant impact of the proposed development will be the loss of an arable field, a habitat type of low importance to bats.

Methods to mitigate potential impacts have been suggested. A condition would be required to seek biodiversity enhancement. The Council's Ecologist has also suggested conditions regarding reptiles and badgers. It is considered the proposal complies with the NPPF and policy EC8 of the Local Plan.

Drainage

Even though the site and surrounding area is shown in Flood Zone 1 and so not at risk from fluvial flooding, the application has been supported by a Flood Risk Assessment and drainage strategy due to the size of the site.

No objections have been raised by the Council's Technical Engineer or the EA. With no evident issues at this stage it is felt appropriate to request a full scheme of surface water drainage based on SUDS principles to be submitted as part of the application for reserved matters. Ground conditions are favourable for soakaways and permeable surfaces. It is considered the proposal complies with the NPPF and policy EU4 of the Local Plan.

Play, Sport and Open Space Provision

The current indicative plan shows the provision of a Locally Equipped Area for Play (LEAP), and provision of distinctive areas of public open space. The LEAP is to be provided in accordance with local plan policies CR2 and CR3.

Financial sums for various categories of off-site provision have been sought, in line with local plan policies ST10, CR2 and CR3, as detailed in the consultation response from SSDC Community, Health and Leisure. It is important to note contributions going towards East and West Coker villages to support projects there.

Public Right of Way

A restricted byway currently runs to the south on the site from Nash Farm along the southern edge of Helena Gardens to Nash Lane. It is the width of a single carriageway and is twin-track along most of its length surfaced in tarmac of varying degrees of repair. There are no plans to alter this arrangement other than to achieve access from the site to the restricted byway via a footway link.

Planning Obligations and Viability

As detailed elsewhere in this section if the application was approved planning obligations would be sought for the off-site cycle/pedestrian link to Plackett Lane, affordable housing, education and play, community and sporting facilities. These will be secured by a planning obligation under Section 106 of the Planning Act.

At the time of writing this report no indication had been made regarding the viability of the development given the levels of contribution sought.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, the Local Planning

Authority was asked to make a formal screening decision as to the requirement for Environmental Impact Assessment because of the nature of the proposed development and the fact that the site area exceeds 0.5 hectares.

The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment.

In response to the request from the agent the Local Planning Authority has not required the applicant to submit an Environmental Impact Assessment in support of this application. The application is however supported by a host of professional assessments, reports and surveys covering key environmental matters.

Public Consultation and Engagement

The NPPF encourages early engagement to improve the efficiency and effectiveness of the planning application system. It states 'good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'. This application was submitted without any pre-application engagement and there has been no consultation with the local community since its submission (apart from one highways focused meeting with the Ward/County Members). This is very regrettable and not something the Local Planning Authority advocates, especially when the application raises significant issues as emphasised by the adverse public reaction. The application was requested to be withdrawn in September 2013 to allow proper public consultation but instead the agents pursued separate negotiations with the Highway Authority and the EA.

Other

There has been a claim of assumed private rights of way over the land from an adjacent householder. These claims have been passed to the agent but are not matters that would affect the determination of an outline application, as it would be possible to accommodate such rights in any application for reserved matters. This legal issue remains a civil matter.

Conclusion

Given the manner in which the application was submitted, the day before the local plan examination without pre-application discussions and with the five-year housing land supply in doubt, the level of development sought appears opportunistic when a smaller development may well have gained more favour from a landscape perspective.

The LPA recognise that there is a presumption in favour of sustainable development and the number of reasons for refusal has been reduced over time through discussion with consultees however the long-standing landscape issue cannot be overcome without a significantly different application and as such the proposal does not represent sustainable development by reason of that overriding landscape impact and by consequence does not comply with the aims and aspirations of the National Planning Policy Framework.

RECOMMENDATION:

Application refused for the following reason:

01. The proposed extent and projection of the site into open countryside without a credible tie with the urban edge is considered to be at variance with the form and setting of the locality and would erode local character. This harm is not considered to be outweighed by the benefits of the proposal and as such does not represent sustainable development contrary to policy ST5 of the South Somerset Local Plan and the National Planning Policy Framework.