

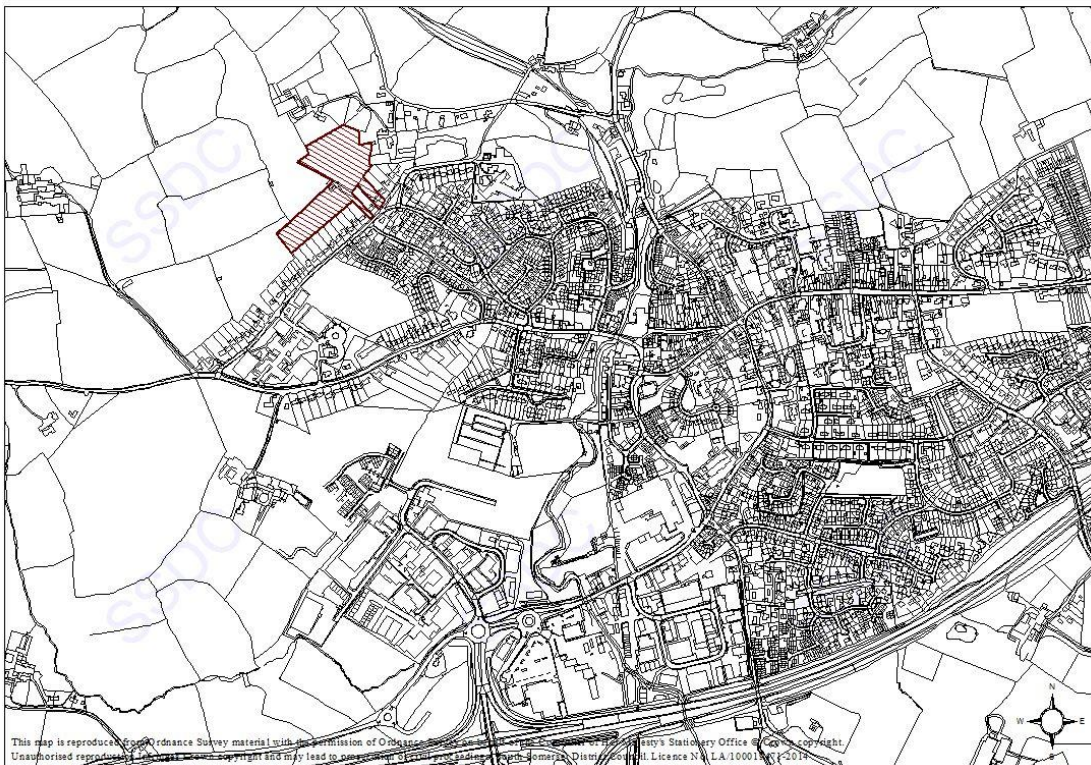
## Officer Report on Planning Application: 14/04234/OUT

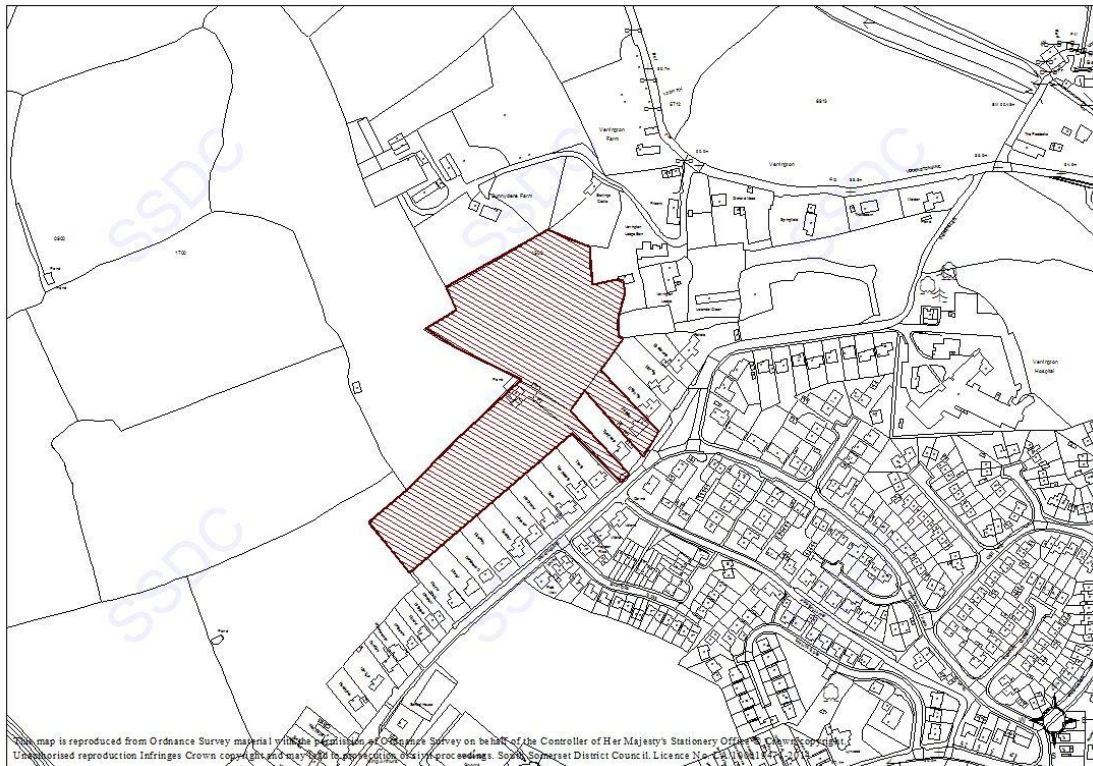
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|-------------------------------------|---|
| <b>Proposal :</b>                   | Outline application for up to 25 dwellings with approval for means of access sought and all other matters reserved for future consideration (Revised scheme) (GR:370409/128841) |
| <b>Site Address:</b>                | Land At Dancing Lane Wincanton  |
| <b>Parish:</b>                      | Wincanton   |
| <b>WINCANTON Ward (SSDC Member)</b> | Cllr N Colbert Cllr C Winder  |
| <b>Recommending Case Officer:</b>   | Dominic Heath-Coleman<br>Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk  |
| <b>Target date :</b>                | 17th December 2014  |
| <b>Applicant :</b>                  | Oxford Law Ltd  |
| <b>Agent:</b>                       | Mr Neal Jillings 23 Southernhay East<br>Exeter, EX1 1QL   |
| <b>Application Type :</b>           | Major Dwlgs 10 or more or site 0.5ha+   |

### REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

### SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for residential development of up to 25 dwellings with approval for means of access sought and all other matters reserved for future consideration.

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 25 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.

The application is supported by:

- Statement of Community Involvement
- Draft s106 Heads of Terms
- Pre-Development Tree Survey and Assessment Report
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Travel Plan Statement
- Transport Statement
- Landscape and Visual Assessment
- Ecological Impact Assessment

## HISTORY

14/04234/OUT – Outline application for residential development with approval for means of access sought and all other matters reserved for future consideration – Appeal against non-

determination submitted and pending consideration. Committee resolved to defend the appeal for the following reasons:

- *The proposal is for up to 35 dwellings on a site that is not within reasonable walking distance remote of primary schools, employment opportunities and the services and facilities available in the town centre. Given the distances, topography and nature of the route and the lack of regular bus services future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life. The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the NPPF which is not outweighed by any reasonable benefit arising from the development. Accordingly the proposal is contrary to the policies contained within the NPPF and saved policies ST3, ST5 and TP2 of the South Somerset Local Plan (2006).*
- *It has not been demonstrated that the loss of best and most versatile agricultural land (grades 1 & 3a) has been justified in this instance where there is other lower grade land available.*
- *Dancing Lane by reason of its width, lack of pavements and use by the school is incapable of safely accommodating the additional traffic generated by this development without detriment to pedestrian safety.*
- *It has not been demonstrated that the proposal to development up to 35 houses on this site could be satisfactorily achieved whilst maintaining the setting of the grade 2 listed Verrington Lodge.*

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

### **Saved policies of the South Somerset Local Plan (Adopted April 2006):**

ST3 – Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development  
ST7 - Public Space  
ST9 - Crime Prevention  
ST10 - Planning Obligations  
EH5 – Setting of Listed Buildings  
EC3 - Landscape Character  
EC8 – Protected Species  
EU4 – Drainage  
TP1 - New Development and Pedestrian Movement  
TP4 - Road Design  
TP7 - Car Parking  
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development  
CR3 – Off Site Provision  
CR4 - Amenity Open Space  
HG7 – Affordable Housing

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

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

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

*Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres.*

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

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

### **National Planning Policy Framework**

Chapter 4 – Promoting Sustainable Transport  
Chapter 6 – Delivering a Wide Choice of High Quality Homes  
Chapter 7 – Requiring Good Design  
Chapter 8 – Promoting Healthy Communities  
Chapter 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

### **Other Relevant Documents**

Wincanton Peripheral Landscape Study (2008)

### **CONSULTATIONS**

**Town Council** – Recommend refusal for the following reasons:

- The application does not conform to the emerging local plan in that the number of dwellings allocated to Wincanton has already been met. They note that the minister for planning has stated in parliament that due weight should be given to local plans that have been submitted to the inspector for examination.
- There is insufficient employment land in town.
- There is insufficient primary school places to support the level of development already improved.
- The development site is Grade 1 and 3a agricultural land. Brownfield land should be developed before quality agricultural land, which is defined as Grades 1, 2 and 3a.
- The geology of the site render is not suitable for development due to high water table and sink holes.
- The site is not in a sustainable location for the reasons outlined by the inspector in the appeal at the nearby Verrington Hospital site.

For the above reasons the town council concludes that the development is not sustainable development in terms of the definition contained within the NPPF.

**County Highway Authority**} – Notes the previous scheme and their comments in relation to that. They note a lack of accidents in the immediate vicinity of the proposed access, and two minor accidents within the wider highway network. They conclude that the accidents do not represent a pattern relating to the deficiencies of the existing highway network. They state that the proposed access arrangements remain acceptable and the predicated traffic generated by the development would not have a detrimental impact on the safe and efficient operation of the local highway network. They note the parking standards for the area and suggest that appropriate level of parking is secured through condition. They raise no objections to the indicative internal site layout. Finally they raise no objections to the submitted travel plan.

They therefore conclude that the highway authority would not raise a highway objection subject to conditions to control the following:

- Details of the highway works, footway and access
- Parking arrangements
- The implementation of a travel plan
- Details of the estate roads, footways etc
- Details of measures to ensure construction vehicles leaving the site are clean
- Details of the disposal of surface water to prevent discharge onto the highway
- To ensure that each dwelling is served by a properly consolidated and surfaced footpath and carriageway prior to occupation
- To ensure that the gradients of drives are no steeper than 1 in 10
- To ensure an appropriate level of hardstanding is supplied in front garage doors.

They also suggest the use of various notes on any decision notice.

**Natural England** – States that the proposal is unlikely to affect any statutorily protected sites or landscapes. They advise that they have not assessed this application for impacts on protected species. They advise as to the duties of the LPA in regard to possible biodiversity and landscape enhancements.

**SSDC Planning Policy** – Refers to their comments in relation to the previous application, which were:

**“Policy Context**

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

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

*The NPPF also states that planning applications should be considered in the context of the presumption of in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the LPA is unable to demonstrate a five year supply of deliverable housing sites (paragraph 49).*

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

**Development Plan**

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

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

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

*Meanwhile, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (i.e. the more advanced the*

preparation, the greater the weight that may be given). As such, the Council considers that the emerging Local Plan (2006 – 2028) should be afforded increasing weight during decision-making.

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

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

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

### **Conclusion**

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

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

**SSDC Landscape Architect** – Notes that the site is within the area of the peripheral landscape study of Wincanton which was undertaken during March 2008. He notes that the site was evaluated in the study as having a high (southwest field) and moderate-high (northeast field) capacity to accommodate built development. He therefore states that, if a need for additional housing within Wincanton is identified, this location would be an area where development could be undertaken without too adverse an impact upon the landscape. He notes the submitted landscape and visual impact assessment (LVIA) and agrees with the findings, which concludes the site to be suitable for development, with appropriate landscape mitigation. He notes the suggestions for mitigation outlined in the LVIA and expects that they

would be incorporated in any detailed scheme coming forward. He notes the constraints of the site and concludes that the submitted indicative plan is acceptable. He therefore concludes by stating that raises no landscape objection to the application.

Given the policy officer's comments on the previous application the Landscape Architect was asked to consider the cumulative impact of this development with others currently proposed at Windmill Farm (14/02107/OUT) and Verrington Hospital (14/00838/OUT). He provided the following comments, which remain relevant to the current scheme:-

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

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

**SSDC Conservation Manager [in relation to the previous scheme]** – Leaves consideration of the impact on the nearby listed building to the conservation officer. Raises concerns with the proposed indicative layout, in particular the proposed cul-de-sac arrangement and narrow SW portion of the site, which he states does not comply with the design expectations of the NPPF. He concludes that in principle development on the site would not be particularly harmful, but the constraints in its poor integration, awkward restricted shape and the need to secure the setting of the listed building, are limiting.

**SSDC Conservation Officer [in relation to the previous scheme]** – In regards to the initially submitted indicative layout plan he raised objections to the scheme on the grounds of the impact on the setting of the grade II listed Verrington Lodge, and its former outbuilding (listed in association) Verrington Lodge Barn. On the receipt of an amended indicative layout plan removing development from the northern portion of the site he confirmed that he would have no objection to the principle of such development, but raised a specific concern in regards to the northern most of the shown dwellings and the access spur too the northeast. He also provided a plan with suggested 'No Build' zone, which corresponded with the area shown empty on the amended indicative plan submitted by the applicant.

**SSDC Community, Health and Leisure** – Based on 24 dwellings they request contributions to outdoor space, sport and recreation as follows:

- Local facilities - £53,795
- Strategic facilities - £34,225
- Commuted sum - £21,871
- Community Health and Leisure Service administration fee - £1,099



This would be a total contribution £109,891 (£4,625 per dwelling).

**SCC Archaeology** – No objections

**SCC Rights of Way [in relation to the previous scheme]** – Notes the presence of footpaths traversing the site and the current proposal will obstruct the footpaths. He states that the proposal either needs to be revised to prevent any obstruction or a diversion order applied for. However no objections to the scheme area raised subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way. To that end they suggest the use of an informative on any permission granted. They note the duties of the developer in relation to the right of way.

**SDDC Housing Development Officer** – Notes that as the site outside the development area they would normally expect 100% affordable housing. However, in the event that the provision is 35% they would expect 9 affordable units – based on 25 dwellings in total. They state that the split should be 2/3 – 1/3 social rent against shared ownership or other intermediate solutions. They state that they have an expressed desire for a significant proportion of the properties to be bungalows rather than houses or flats.

**Wessex Water** – They note their comments in relation to the previous scheme and state that they are still relevant. The previous comments were as follows:

States that the site will be served by separate systems of drainage constructed to current adoptable standards. They note the proposal to drain surface water to an existing surface water culvert, which will require approval of the appropriate authority and riparian owner. They note the proposal for pumped foul discharge to local foul sewerage systems. They states that subject to agreement of detail and pumped flow rates the local foul sewerage systems has current available capacity to serve predicted flows from the proposed development. They note that the local sewerage has limited available capacity and if any future development phases are proposed, network modelling will be required to determine recommended downstream capacity improvements. They state that there must be no tree planting within 6 metres of sewers or water mains. They note that there is limited available capacity within the local water supply network to serve the proposed development, and advise that the applicant should contact Wessex Water to initiate water supply network modelling. They note that there is no cost for this service but the developer will be expected to contribute towards the cost of any recommended network reinforcement.

**SDDC Engineer** – Notes that as part of the previous scheme a concern was raised in relation to a ‘missing’ section of culvert at Verrington Lodge Barn. He raises a concern that the latest Flood Risk Assessment seems to ignore this issue to a degree and indicates a connection from the proposed development, via a storage system, to the existing culvert upstream of the problem area. He states that in his view a direct connection on an outflow from the storage system at this point will exacerbate the existing problems here. He suggests this needs further consideration.

**SDDC Ecologist** – Notes the submitted report and states he has no objections to the proposal. He recommends the use of a condition to secure the implementation of the mitigation and enhancement measures detailed in section 4 of the Ecological Impact Assessment.

**Somerset Wildlife Trust [in relation to the previous scheme]** – Notes the submitted survey and supports several of the recommendations. They make specific suggestions in

regard to the indicative layout, and state that they may wish to make further comments when the bat and bird surveys are received.

**SCC Education** – Notes previous comments and states that position has not changed. He therefore states that contributions should be sought in the event that the application is approved in order to mitigate additional pressure caused by the development. Based on 25 dwellings they request a contribution of £61,285. This equates to £2451.40 per dwelling.

Given the policy officer's comments on the previous application the County were asked to consider the cumulative impact of this development with others currently proposed at Windmill Farm (14/02107/OUT) and Verrington Hospital (14/00838/OUT). They provided the following comments, which remain relevant to the current scheme:-

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

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

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

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

**Environment Agency** – No objections subject to conditions to secure no buildings over, or within an agreed proximity, of the culvert traversing the site, and the securing and implementation of a surface water drainage scheme.

**SSDC Climate Change Officer [in relation to the previous scheme]** – No objections to the outline application.

## **REPRESENTATIONS**

Letters of objection have been received from the occupiers of 27 properties in Wincanton, 1 from the occupier of a property in Bratton Seymour, and one from a Matron at Wincanton Community Hospital. Objections were received on the following grounds:

### **Principle of Development**

- The proposal would building over green fields of high agricultural grade
- The proposal is unsustainable due to the distance from services, facilities and employment opportunities which will increase reliance on the private car. Exacerbated by the steep inclines between the site and the town centre.
- There is vacant brownfield land that should be built on first.
- The site is outside the development area defined in the local plan and the emerging local plan.
- No more housing is required in Wincanton according to the emerging local plan and given the number of permissions or new builds in existence.
- There is a lack of employment opportunities, which would be exacerbated by the proposal.

- Other sites closer to the A303 would be more appropriate
- Wincanton does not need more housing

### **Highways**

- More traffic will increase the chance of accidents involving school children at the nearby school
- The proposed access is dangerous and unworkable
- The existing highway network is substandard and problems would be exacerbated by the proposal, including during the construction phase.
- Ambulance access and other emergency traffic to Verrington Hospital could be restricted.
- The submitted traffic statement is inadequate, especially considering other nearby proposed development.
- The proposed access would make access into the opposite property difficult and dangerous
- The existing car parks cannot cope with the number of vehicles.

### **Visual Amenity**

- Important views of the countryside and surround will be marred and there would be loss of open fields.
- The nearby listed building would be adversely impacted.
- Concerns over the design, in particular the cul-de-sac arrangement.
- The site projects into open countryside and would stick out like a 'sore thumb'.
- Existing hedges and tree are valuable assets and should be retained.

### **Residential Amenity**

- The occupiers of the property between the two access points to the site will have their amenity disturbed by way of vehicle disturbance and loss of privacy.
- Neighbouring properties would be overlooked and would suffer from disturbance. Their outlook would be ruined.

### **Other Matters**

- Concern regarding speculator profits and lack of local benefits
- Infrastructure to support the development is lacking in the following areas:
  - o Primary school places
  - o Health Centre provision
  - o 6<sup>th</sup> Form provision
  - o Play facilities in this part of town
  - o Public transport
  - o Police support
- The proposal will affect existing footpaths
- Concern over flooding and drainage issues, especially considering sink holes on site.
- Concerns over impact on ecology and biodiversity
- The results of the applicant's public engagement have been ignored.
- An approval would set a precedent for further building on green field land.
- Insufficient public consultation
- Concern over the (bullying) style and tone of the application and supporting information.
- Neighbouring properties would be devalued.
- Concern over a loss of good quality agricultural land
- Concern over water supply capacity

### **CONSIDERATIONS**

The main areas of consideration are considered to be:

- Site History
- Principle of Development
- Highways
- Visual Amenity
- Residential Amenity
- Flooding and Drainage
- Cumulative Impact of Development on Wincanton and Infrastructure Provision
- Planning Obligations

## **Site History**

A very similar application was submitted earlier this year. The previous application was not determined and the applicant has appealed against non-determination. The application was considered at committee and the committee resolved to fight the appeal for the reasons outlined above (in the History section of this report). The applicant has not addressed these concerns raised by the committee, and has not attempted to do so. However, the current application remains more or less identical to that previously considered, and the responses from the various statutory consultees remain largely unchanged. As such, the consideration process detailed below is very similar to that presented to the committee in relation to the previous application, and, for the sake of officer consistency, the conclusions remain the same.

## **Principle of Development**

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

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

In regards to the specific location of the site, and whether the proposal represents sustainable development in regard to the accessibility of the services and facilities of the town centre, it is important to be aware of the planning history of the nearby site at Verrington Hospital. The location of the two sites is similar enough that conclusions drawn about the location of the Verrington Hospital site could be applied equally to the current site. At the Verrington Hospital site an appeal inspector, in relation to a proposal for up to 58 dwellings (11/02835/OUT), noted that:

*"The site is reasonably close to the town centre with its shops, services and public transport links but there is little provision for public transport from the site to the town centre. During the inquiry I walked from the town centre to the site and back and found that the gradient of the footpaths and limited provision of road crossing points*

*made it unlikely that the route would be attractive for use on a regular basis, either on foot or by bicycle, or for anyone who was less mobile or had a push chair, wheel chair or significant amounts of shopping to carry.”*

She therefore concluded that:

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

The applicant has submitted a travel plan in order to address the accessibility of town centre services and facilities from the proposed location. The County Highway Authority was specifically asked to comment on the suitability of the submitted travel plan to address this issue. They have accepted that the travel plan is sufficient and raise no objections on these grounds.

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

Therefore, notwithstanding the various concerns raised by the town council and neighbouring occupiers in relation to the principle of development, the site is considered to be a sustainable location for residential development, and the scheme falls to be considered on other issues.

## **Highways**

A great deal of concern has been raised locally regarding the impact of the proposal on the surrounding transport network, and the suitability of the proposed access arrangements. Arguments have been put forwards that the network is already deficient in a number of ways, and the current proposal would exacerbate these issues. The highway authority has considered in detail the submitted information and transport statement, and have come to the conclusion that the proposal includes a safe means of access onto the highway and that the traffic generated by the development would not have a detrimental impact on the safe and efficient operation of the local highway network. As such they have no objection to the development on traffic impact grounds.

No evidence has been put forward to demonstrate that this is an inaccurate assessment of the situation and as such it would be unsustainable to seek to override the advice of the highways authority.

## **Visual Amenity**

The SSDC Landscape Architect, the SSDC Conservation Officer, and the SSDC Conservation Manager were consulted as to the visual impacts of the scheme.

A number of concerns were raised locally in regard to the visual impacts of the scheme, in particular in regard to the impact on the rural countryside character of the area and the setting of the nearby listed building.

In relation to the previous application the conservation officer initially raised significant concerns in relation to the setting of the grade II listed Verrington Lodge. However, on the receipt of an amended indicative plan, and the agreement of the applicant to a 'no build zone' covering the northern portion of the site, he withdrew his objection to the principle of the development. He maintained some concern as to the indicative layout, but it is considered that such concerns could be satisfactorily resolved at the reserved matters stage. It is therefore considered that the site could be developed without an adverse impact on the setting of the listed building in accordance with policy EH5 of the South Somerset Local Plan.

The conservation manager raised concerns as to the awkward shape of the plot and the design failings of the indicative plan. These concerns were echoed by local objectors. Whilst it is accepted that the plot is an awkward shape that is inevitably going to lead to some incoherence to the design, it is not considered that this necessarily rules out residential development of the site. It would be preferable if the land was a more regular shape, but that is not the proposal before us. It is considered that the irregular shape of the plot does not represent enough of an adverse impact to constrain development of the site.

The landscape architect noted that the site has been evaluated in peripheral landscape study of Wincanton as having a high (southwest field) and moderate-high (northeast field) capacity to accommodate built development. He therefore concluded that, if a need for additional housing within Wincanton is identified, this location would be an area where development could be undertaken without too adverse an impact upon the landscape. He noted the submitted landscape and visual impact assessment (LVIA) and agrees with their findings, which concluded that the site is suitable for development, with appropriate landscape mitigation. He noted the suggestions for mitigation outlined in the LVIA and expects that they would be incorporated in any detailed scheme coming forward. He noted the constraints of the site and concluded that the submitted indicative plan is acceptable.

Therefore, notwithstanding local concern, it is considered that the impact on visual amenity would be acceptable in accordance with saved policies ST5, ST6, EC3 and EH5 of the local plan.

### **Residential Amenity**

Notwithstanding local concerns in relation to residential amenity, it is considered that the proposed level of development could be accommodated on site with causing demonstrable harm to such amenity, subject to a suitable layout and detailing at the reserved matters stage. As such the proposal is considered to cause no demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

### **Flooding and Drainage**

Much concern has been raised locally regarding existing flooding issues associated with the site, and the drainage proposals being put forwards by the applicant.

The Environment Agency, the SSDC Engineer, and Wessex Water were consulted as to these impacts. On the previous scheme the Environment Agency initially raised a concern as an existing culvert that traverses the site, indicating that there could be no buildings over the culvert or within a set distance of it. They also expressed a preference that the culvert should be opened and maintained as an open watercourse. However, on the receipt of additional information from the applicant they withdrew their objection subject to conditions to ensure that their requirements in relation to the culvert are met and that a sustainable drainage strategy is secured and implemented. The area of the site that is traversed by the culvert is

well within the 'no build zone' suggested by the conservation officer and agreed to by the applicant. As such, subject to appropriate conditions securing the implementation of the 'no build zone' and a sustainable drainage scheme, it is not considered that issues of flooding and drainage should constrain the proposed development.

### **Cumulative Impact of Development on Wincanton and Infrastructure Provision**

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

The county education authority have confirmed that, subject to securing the requested education contribution there would be no cumulative impact that could not be addressed by their strategy to provide additional capacity in the town. The landscape architect accepts that the Windmill Farm site would not be readily visible in the same context as this site. Whilst the site is seen in the same views as the Verrington Hospital site, both sites are well screened and are not seen as a sequence when viewed from footpaths to the north. Accordingly no landscape objection is raised to any cumulative impact of these developments.

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

### **Planning Obligations**

A contribution of £2451.40 per dwelling towards the provision of primary school places and a contribution of £4,625 per dwelling towards outdoor playing space, sport, and recreation has been requested. A s.106 monitoring fee of 20% of the application fee has also been sought. The applicant has agreed to pay all the contributions and that 35% of the housing will be affordable.

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Secure the agreed contribution towards the provision of primary school places
- Secure the agreed monitoring fee.
- Secure 35% affordable housing.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies HG7, ST10 and CR2 of the local plan.

### **EIA**

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The Council is of the opinion that the proposed development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

## **Other Matters**

The site is located on a mixture of grade 1, grade 3a and grade 3b agricultural land (Magic Website, Natural England). Grades 1, 2, and 3a are defined in the Government's Planning Practice Guidance as the best and most versatile land. Paragraph 112 of the NPPF requires the LPA to take into account the economic and other benefits of the best and most versatile agricultural land and whether the LPA should be seeking to use areas of poorer quality land in preference to the application site. A large number of neighbours and the parish council have expressed concerns in this regard. However, the site is only 2.4 hectares in size, and due to its awkward shape and steeply sloping areas it would not be easily farmed. As such, although the proposal does represent the loss of some of the best and most versatile agricultural land, the loss is small and not considered to be significant enough to the overall supply of such land in South Somerset to warrant refusal of the scheme.

Given that the developer has accepted a restriction on the amount of land that is developable, and the site's edge of settlement location, it is considered that the site is not capable of satisfactorily supporting a level of development higher than that shown on the indicative plan. As such, it would be reasonable to impose a condition on any permission restricting the number of units to 25.

A concern has been raised that the proposal provides few local benefits, instead only providing speculator profits. However, as discussed above, the benefits provided by the scheme are significant, and an element of profit is necessary to ensure that development takes place at all.

A concern has been raised regarding the impact of the proposal on the footpaths which currently traverse the site. The SCC Rights of Way Group was consulted and raised no objections subject to the applicant being made aware of the need to appropriately divert or stop the footpaths prior to work commencing on site. It is considered that this can be achieved through an appropriate informative on any permission issued.

Concerns have been raised regarding the impact of the proposal on local ecology. However, the SSDC Ecologist has carefully considered the impacts and the submitted information and has concluded that the impact of the scheme will be acceptable subject to the imposition of a condition on any permission issued.

Concerns have been raised regarding public consultation and engagement and whether the applicants have properly taken into account local concern. However, it is considered that the public engagement carried out by the applicant, as detailed in their Statement of Community Involvement, was sufficient and proportionate to the size and type of the application.

Concerns have been set that approval of the application would set a precedent for further development of greenfield land. However, every application is considered on its own merits and future applications would be judged against the same criteria.

A neighbour has raised a concern that the applicant and their representatives have adopted a bullying and aggressive tone throughout the application. However, the style and tone adopted by the applicant is not material to the determination of a planning application, which must pass or fail on its own merits.

Finally a concern has been raised regarding the devaluing of neighbouring properties. However, such a devaluing is not a material planning consideration.

## **Conclusion**



Given the limited weight that can be given to policy ST3 of the local plan and the site's location adjacent to the settlement limits of Wincanton, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the setting of the nearby listed building, landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

## **RECOMMENDATION**

That application reference 14/04234/OUT be approved subject to:

a) The prior submission by the applicant of a unilateral undertaking (in a form acceptable to the Council's solicitor(s)) to:-

- 1) Secure a contribution of £4,625 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
- 2) Secure a contribution of £2451.40 per dwelling towards the increased demand for primary school places in Wincanton.
- 3) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
- 4) Provide for a S.106 monitoring fee based on 20% of the outline application fee, and

b) The following conditions and informatives:

Justification:

Notwithstanding the local concerns, the provision of up to 25 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

- 1) The site hereby approved for development shall be as shown on the submitted location plan received 17 September 2014.

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

- 2) Details of the appearance, landscaping, layout and scale (herein after 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.

- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

- 4) 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.

- 5) The development hereby permitted shall not be commenced until such time as a surface water drainage scheme (including a full drainage masterplan and associated drainage calculations) has been submitted to, and approved in writing by, the Local Planning Authority (LPA).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 6) There shall be no buildings on the land hatched green on the submitted 'No Build Zone' plan, 1174/03NBZ received 13 October 2014.

Reason: In the interests of preserving the setting of the nearby listed building and in the interests of flood prevention in accordance with policy EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

- 7) No part of the development hereby permitted shall be occupied until the highway works, footway and access, have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

- 8) 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 ensuring sustainable development in accordance with policies ST5 and ST6 of the South Somerset Local Plan and the aims and objectives of the NPPF.

- 9) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

- 10) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

- 11) The residential development hereby approved shall comprise no more than 25 dwellings.

Reason: To ensure that the level and density of development is appropriate to the sensitive and rural location in accordance with ST5, ST6, EC3 and EH5 of the South Somerset Local Plan.

#### **Informatives:**

- 1) You are reminded of the contents of the Environment Agency's letter of 19 September 2014 which is available on the council's web-site.
- 2) 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.
- 3) The developer should note that works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for this information, Tel No 0845 345 9155.

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton,

TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

- 4) A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.