

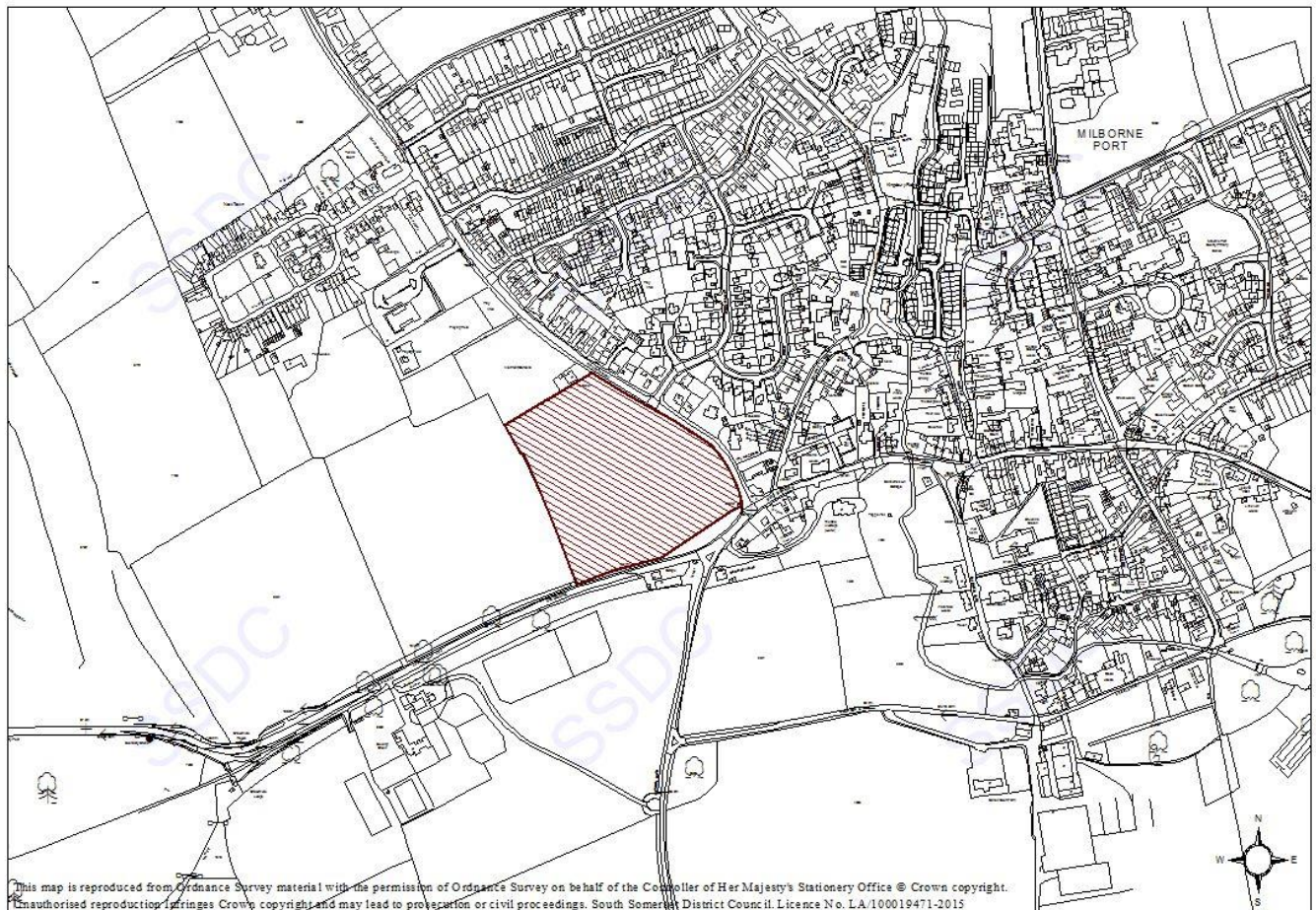
## Officer Report on Planning Application: 14/03377/OUT

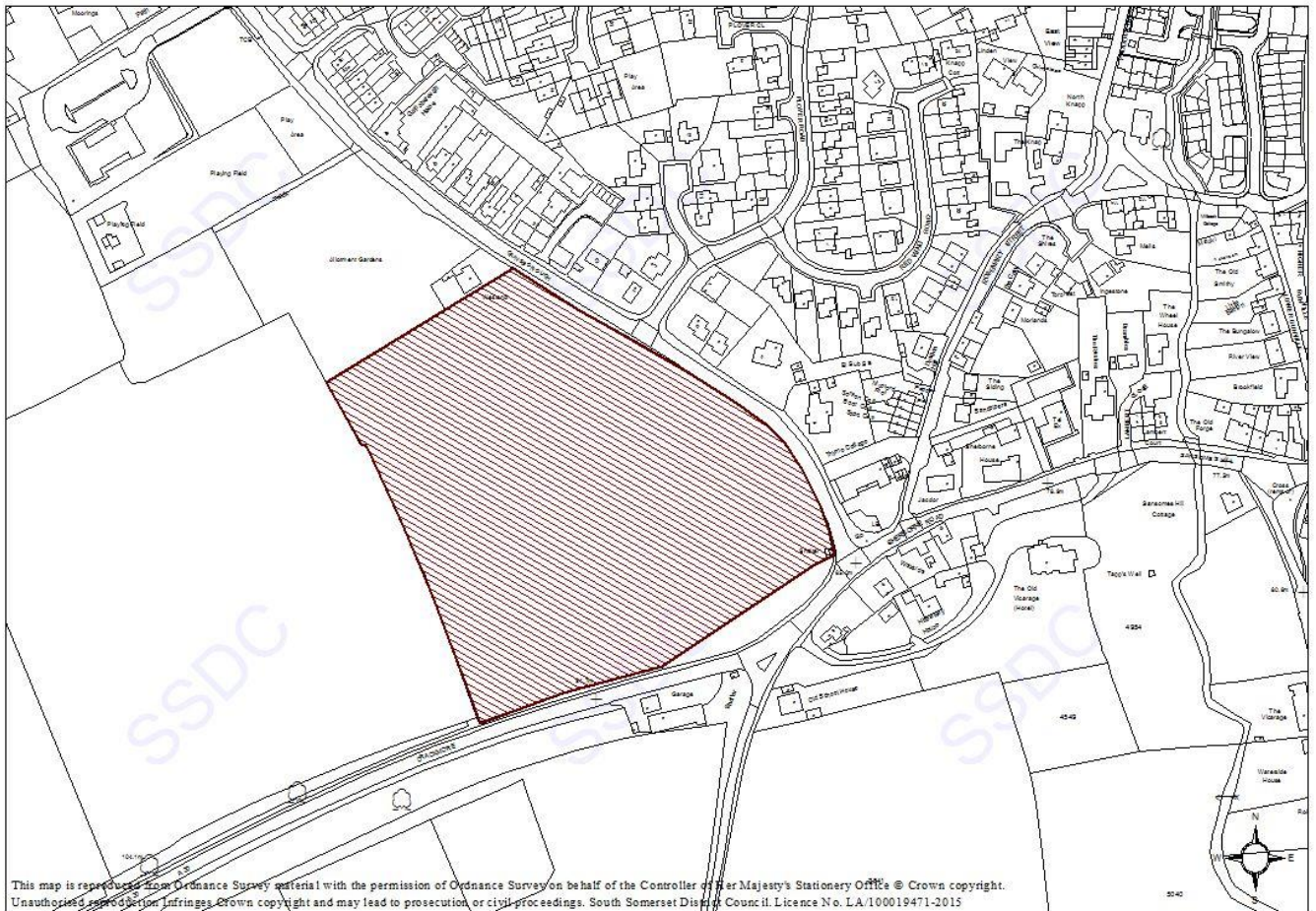
<b>Proposal :</b>	Outline application for the development of 54 residential units, care home, allotments and heritage interpretation board(s) together with associated access, parking, landscaping and infrastructure (GR: 367219/118602)
<b>Site Address:</b>	Land At Gainsborough Milborne Port
<b>Parish:</b>	Milborne Port
<b>MILBORNE PORT Ward (SSDC Member)</b>	Cllr S Dyke-Bracher
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date :</b>	17th October 2014
<b>Applicant :</b>	Waddeton Park Ltd
<b>Agent: (no agent if blank)</b>	Mark Scoot Amethyst Planning Maypool House Maypool, Brixham Devon TQ5 0ET
<b>Application Type :</b>	Major Dwlgns 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee by the Development Manager because of the significance of the proposal for Milborne Port and to enable the local issues raised to be debated.

### SITE DESCRIPTION AND PROPOSAL





The site comprises a single agricultural field of approximately 3.44ha, (grade 3a), the only structure on site is the grade II listed pump house in the southeast corner at the junction of Gainsborough and the A30. It slopes gently from the northwest to the southeast and there is a large tree in the southwest part of the site. To the north the site is bounded by an existing residential property and allotments. To the west is a hedgerow and agricultural land. A stand of large pine trees runs along the southern boundary providing a mature screen and buffer between the site and the A30. There are a number of community just to the north of the site, including a doctor's surgery, children's play area, skate park, allotments and a former pub. There is also a petrol filling station and convenience shop to the south of the site.

The site is located on the western edge of Milborne Port, approximately 350m from the village centre and immediately north of the A30. Gainsborough runs along the eastern boundary. It is outside, but immediately adjacent to, the development boundary and is adjacent to the Milborne Port Conservation Area. The Conservation Area has two parts; New Town which lies around 260m to the north of the site; and the historic core of the village which extends up to the eastern boundary of the site. New Town comprises about 45 dwellings arranged around a central green space. To the east much of the historic core of Milborne Port falls within the town Conservation Area. The former schoolhouse on the opposite side of Gainsborough at the junction of the A30 Sherborne Road is Grade II listed.

The proposal seeks outline permission for up to 54 house houses, a care home, allotments and associated access from Gainsborough, parking, landscaping and infrastructure. Detailed approval is sought for the access and layout with all other matters (appearance, landscaping and scale) reserved for subsequent approval.

The application is supported by:-

- Planning Statement (incorporating a Statement of Community Involvement)

- Design and Access Statement
- Design Parameter
- Transport Assessment
- Travel Plan
- Landscape and Visual Impact assessment
- Heritage Assessment
- Ecological Impact Assessment
- Aboricultural Impact Assessment Report
- Flood Risk Statement
- Geo-environmental Desk Study and Preliminary ground contamination investigation

The proposal has been updated with the provision of:-

- Geophysical Survey Report (21/08/14)
- An updated Transport assessment and Travel plan (14/11/14)
- an updated flood risk assessment, an update to the Design and Access Statement, an amended masterplan, a landscape strategy, a building type plan and a building heights plan (25/03/15).

The scheme now shows development set back significantly from the A30 to ensure the road side trees can be safeguarded and views into the site from the main road curtailed. The access from Gainsborough would be to the northern end of the site, with development set back from the Gainsborough frontage with a footpath provided within the site along Gainsborough between the site entrance and the A30. The care home would be sited to the north of the site entrance with the allotments to the rear. An area of public open space would be provided on the western edge of the site which would incorporate the retained tree and join up with the A30 buffer. All requested planning obligations have been accepted by the developer.

#### **PLANNING HISTORY:**

None relevant

#### **POLICY**

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

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

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

SD1 – Sustainable Development.

SS1 – Settlement Strategy – identifies Milborne Port as a Rural Centre.

SS3 – Delivering New Employment Land – sets out a need for 149.51 hectares of employment land across the District. It advises that a ‘permissive’ approach will apply when considering employment land proposals adjacent to the development areas of Rural Centres. It is stated that as at April 2011 there was an outstanding need for 0.80 ha of employment land in Milborne Port over the remainder of the plan period.

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period.

SS5 – Delivering New Housing Growth – sets out a need for at least 279 houses in Milborne Port over the plan period. As at April 2014 (the latest assessed figures) there were 222 commitments (i.e. built or with planning permission) with at least a further 57 to be delivered by 2028.

SS6 – Infrastructure Delivery

SS7 – Phasing of Previously Developed Land

HG3 – Provision of affordable Housing

HG5 – Achieving a Mix of Market Housing

HG6 – Care Homes and Specialist Accommodation

TA1 – Low carbon travel

TA4 – Travel Plans

TA5 – Transport Impact of New development

TA6 – Parking Standards

HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 – General development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

EQ7 – Pollution Control

#### National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

#### Other Material Considerations

Milborne Port Village Design Statement

Milborne Port Parish Plan

Peripheral Landscape study Milborne Port (2008) – identified this is as having a ‘moderate to low’ capacity to accommodate development

## **CONSULTATIONS**

**Milborne Port Parish Council:** object:-

- *Local Development Framework of dwellings in the parish in the period to 2028 has already been taken up either by completed or applications granted, except for some 90 dwellings. A development of this size would use most of the remaining allocation very early in the period and prevent any other residential planning in the parish until after 2028*
- *The site is unrelated to the village and there are other sites in the village area which would provide a more physically, architecturally and socially integrated development*
- *The land is part of an organic farm and should be retained as such*
- *Potential further loss of green space and land and loss of trees on entrance to the village*
- *There would be an increase in traffic along Gainsborough and at the junction with the A30, not to mention the current condition of the roads being unsafe and a potential death trap with poor drainage*

- *Increased traffic would impact on the Health and Wellbeing of current residents from the increase in fumes*
- *Proposed access to the site would be straight on to the road, with no pavement, making it extremely dangerous*
- *There is a sense of unease and truthfulness within the Parish Council and parishioners surrounded the proposed "carehome"*
- *There appears to be no allocation of parking for staff and visitors to the "carehome"*
- *Uncertainty as to whether local amenities such as the Doctors Surgery and School could cope with an increase in residents of this magnitude*
- *Proposed pavement is too narrow for pushchairs and wheelchairs and is a potential death trap*

Their objection is maintained to the amended scheme on the grounds that:-

- *There has been a large amount of development taking place in Milborne Port currently and in recent years and the Parish Council believe there is no demonstrated need for this new development.*
- *The proposed development is not in an adequate place visually and would result in huge negative visual impact resulting in destruction of rural character.*
- *The location of the development would open up the land to other large developers.*
- *The junction of Gainsborough and the A30 is in fact a five way junction and not a three way junction as stated. The junction is already extremely dangerous and this would be exacerbated with an increase in traffic and children crossing.*
- *The accumulative amount of new housing is high and the village would become far too large.*
- *The roads and infrastructure surrounding the proposed development are simply not adequate enough to cope with the increase in the traffic the development would bring.*

**County Highways:** Initially requested updates to the submitted Travel Plan and Traffic Assessment. Subsequently no objection raised to amended submission subject to safeguarding conditions.

**Planning Policy:** Notes that:-

*"[the local plan] identifies Milborne Port as a Rural Centre and as such Policies SS5: Delivering New Housing Growth and SS3: Delivering New Employment Land apply. Over the plan period Policy SS5 expects that at least 279 dwellings will be provided in the settlement. As at April 2012, 202 dwellings were committed (had planning permission or are built) with 77 dwellings remaining, 0.80ha of additional employment land is required. .... Policy SS5 and its supporting text .... Provide[s] officers and developers interim guidance for how planning applications for housing growth will be determined prior to the Site Allocations Development Plan Document. The implication ..... is to facilitate a 'permissive approach' when considering planning applications for housing growth within or adjacent to development areas at Rural Centres subject to key policy considerations i.e. the NPPF, ... Policy SD1, the scale of growth, the settlement hierarchy and other Local Plan Development Management Policies. ...."*

*"This proposal seeks outline planning permission for 54 homes, a care home, which will provide an element of economic development by providing around 20 jobs, allotments and heritage interpretation boards. The scale of the proposal is therefore consistent with ... Policy SS5."*

**Conservation Manager:** initially noted:-

*"This site lies in the setting of the conservation area that immediately adjoins to the south and east and of listed former school building and pump house. The impact of development on these might perhaps be somewhat mitigated by space and planting but this and its wider context makes this an undesirable site for development. Gainsborough forms a clear boundary to the developed area with the open land west north and south. This characteristic is a significant feature of the landscape setting of the town that it is desirable to retain. It also needs to be maintained for the*

*purpose of preserving the setting of the CA and listed buildings of Newtown as a singular exception where this isolation from the core of the town illuminates its history and origins.”*

**Landscape Officer:** initially recommended refusal:-

*“There appears to have been little consideration of the setting of the Newtown CA, whose open field surround to N, W and S is particularly relevant to its origin as a Rotten Borough, grafted conspicuously onto the settlement edge; whilst the immediate west edge of the Milborne Port CA links with the historic tree-lined east approach to the Sherborne Castle Estate. In both instances, the open fields provide the setting to these historic assets, and contributes to the character and distinctiveness of this part of Milborne Port. It is also apparent that Gainsborough itself is a well-established and relatively definitive west edge to the settlement (accepting Newtown as a separate historic entity). Thus development of this site would substantively erode this open ground and thus adversely impact upon the settings of both Newtown and Milborne Port Conservation Areas, as well as the tree-lined/open field approach to the east end of the registered HP&G of Sherborne Castle.”*

Subsequently negotiations sought to agree a revised layout that would address the landscape and conservation concerns. The landscape officer comments in relation to the amended scheme are:-

*“.....the conservation team has considered that there is capacity for revision of the layout to better respect the adjacent heritage assets, to thus lessen the impact of this development upon the setting of these local heritage features, to a level where we might then find the proposal acceptable. From ensuing dialogue with the applicant’s team, we now have a layout that indicates;*

- 1) the southern building line pulled north into the site, to better respect both the historic tree avenue alongside the A30, and enable continued views from the avenue across to Newtown;*
- 2) buildings along this revised southern edge arranged to ‘front’ onto an enlarged open space, and provide an active frontage;*
- 3) the historic tree line is extended toward the village;*
- 4) a stronger and legible correspondence with Gainsborough;*
- 5) the open space across from the former (listed) school reduced to enable a more coherent development edge, without compromising the school’s setting, nor that of the village conservation area;*
- 6) housing removed from the SW corner of the site, to enlarge the open space. This contributes to conservation of the setting of both the tree avenue and Newtown, as (1) above;*
- 7) the western edge of housing pulled back into the site, again to respect the setting of Newtown, and;*
- 8) the attenuation pond removed from the open space of the southeast corner.*

*“I consider these changes to indicate a marked improvement of the masterplan, to now demonstrate a legible correspondence with the village edge, yet better respect the settings of local heritage assets. If you consider other planning elements to be in favour of the scheme, then I would advise that the effects of development impact upon local landscape and heritage assets are no longer considered to be of sufficient weight to provide a landscape case for refusal.”*

**Tree Officer:** No objection subject to a condition to agree tree protection measures.

**Housing Development officer:** requests 35% affordable housing based on a tenure split of 67/33 in favour of rented accommodation. It is confirmed that as at January 2015 there are 35 households on the waiting list for a property in Milborne Port, including a need for a 2 bedroom disabled house and 4 bedroom ‘parlour’ bedroom home. 19 affordable units are requested made up as follows:-

- 6 x 1 bed (47 sqm)
- 8 x 2 bed (76 sqm)
- 4 x 3 bed (86 sqm)
- 1 x 4 bed (124 sqm)

**Leisure Policy:** Contributions towards off-site mitigation measures to address increased demand for sport and recreation facilities are sought as follows:

- £46,657 towards enhancements of the existing play area at Gainsborough;
- £9,161 towards enhancements of the existing youth facilities at Gainsborough;
- £21,523 towards enhancement of existing pitches at the Memorial Playing Fields, Springfield Road;
- £43,698 towards enhancement of existing changing rooms at the Memorial Playing Fields, Springfield Road;
- £49,210 as a commuted sum towards the above local facilities
- £9,930 towards the provision of a new learner pool at Wincanton
- £1,802 as Community Health and Leisure Service Administration Fee

This equates to a total of £181,980 or £3,370 per dwelling.

**County Education:** it is noted that Milborne Port Primary School has a net capacity of 180 places. When the application it was submitted, there were 145 pupils at the school, forecast to rise to 148 by 2018.

A development of 54 dwellings would equate to 11 pupil places (54 dwellings / 150 dwellings x 30 pupils).

Having now got access to revised forecasts, based on the actual pupil count in October 2014, the number of pupils has risen to 163; and is forecast to rise to 184 by 2019, without taking into account this development. If granted permission, therefore, it will increase pressure on the school to the extent that its capacity would be exceeded and financial contributions to mitigate this through a Section 106 agreement should therefore be sought after all. The notional cost per place is £12,257, so contributions totalling £134,827 should be secured in this case.

**SSDC Streetscene Services:** No objection although it is suggested that footpaths be incorporated into the open spaces

**Area Engineer:** Initially considered the proposed drainage strategy to be acceptable. Recommends that the detail should be secured by condition. Subsequently, in light of changed legislation, additional details have been requested to confirm that proposed strategy will work.

**Wessex Water:** No objection subject to securing detail of foul water and surface water strategies by conditions.

**Environment Agency:** No objection subject to conditions to ensure the detail of the drainage strategy is agreed.

**SSDC Environmental Protection Officer:** no objection subject to a condition to secure an appropriate investigation of any potential land contamination.

**SSDC Climate Change Officer:** initially raised concerns about layout and suggested minor revisions to an "otherwise attractive development" to maximise potentials for renewables. In relation to the revised plans remains concerns by limited numbers of south-facing buildings.

**Natural England:** considers that proposal is unlikely to affect any statutorily protected sites or landscapes, suggests that their standing advice is followed

**SSDC Ecologist:** No objection, subject to safeguarding conditions

**County Archaeology:** initially requested additional information, subsequently advised no objection subject to safeguarding condition

**Police Architectural Liaison Officer:** initially raised concerns over layout of parts of the site including need for natural surveillance of parking areas and rear accesses and perimeter treatment of care home. no objection raised to revised scheme.

**Dorset CPRE:** object on the grounds of unsustainable development, increased traffic and out-commuting. Milborne Port has carried its fair share of new development and there remains 14 years to run of the local plan and there is little current demand for houses in the town. They maintain their objection to the amended scheme.

## REPRESENTATIONS

Initially 46 letters of objection were received raising the following areas of concern:-

- Capacity of junction with A30 which already used by large numbers of vehicles of all sizes;
- Increased traffic
- Danger to children walking to school;
- Parking levels in Gainsborough;
- Lack of parking for care home and possible overspill parking on highway;
- Lack of clarity over nature of care home;
- Concern over submitted traffic assessment;
- Position of crossing point will cause delay
- Poor footpath links along A30 to village centre
- Increased risk of surface water flooding
- Questions over the capacity of the sewers;
- Loss of organic agricultural land;
- Other sites (e.g. brownfield) sites should be used first;
- Loss/erosion of green belt
- Precedent for other sites outside the village boundary;
- Loss of wildlife habitat
- Development outside development boundary
- Milborne Port does not need additional houses;
- Danger of Milborne Port out growing itself
- Lack of need (evidenced by unsold properties);
- Lack of local jobs/out commuting;
- Proposal will bring few jobs
- The jobs in the care home will be taken by people from outside the village;
- Care home is not needed and make Milborne Port a dormitory town
- Visual impact on western approach to Milborne Port;
- Impact on conservation area;
- Doubts over the ecological assessment of the scheme;
- Impact on property values
- Developer's information is misleading
- Impact on health and well-being;
- Impact on trees.
- Proposal is profit driven and the expense of the village.
- Does not comply with the Village Plan which states that all further development should be infilling;
- Does not comply with Design Statement



- Impact on character and ambiance of village
- Capacity/adequacy of school, doctor's surgery, power and water supplies;
- Community does not need additional open space and allotments offered by this development – it is already a healthy community;
- The affordable housing will not benefit the local community for long given the right to buy;

One writer acknowledges that if the need for housing on this site is accepted then this scheme is much better than earlier versions and is now supportable.

11 further letters, including one signed by 21 local residents, have been received in response to consultations on the revised scheme. Generally these re-iterate previously made representations and challenges the updated supporting information. In particular the position of the highways authority is challenged over the nature and suitability of the A30 junction and the impact of the development.

### **Applicant's Case**

Following submission of the planning application, comments were received from the Landscape and Heritage officers at South Somerset District Council (SSDC). In discussion with SSDC a number of amendments have been made to the scheme. These are as follows:

- The building line to the south has been pulled back and a parcel of development removed (from the southwest) to respect the historic tree avenue on Crackmore (A30) and allow for views across the site towards New Town. Buildings in this area have been designed to 'front' onto the new open space, giving a positive outlook and active frontage;
- The existing trees which extend the avenue towards the town along the southern boundary have been highlighted in the plans;
- The development parcel adjacent to Gainsborough has been redesigned to provide a more consistent frontage to both the open space to the south and Gainsborough;
- The open space to the southeast (across from the former school house), has been reduced to enabling the parcel adjacent to Gainsborough to be redesigned to provide a stronger frontage to the space. The building line reflects that proposed by SSDC officers and does not compromise the setting of the listed former school house;
- Development to the west has been pulled back to respect the setting of New Town;
- The attenuation pond in the southeast corner has been removed in favour of an alternative drainage strategy;
- The entrance space has been reinforced and tree planting to the Gainsborough boundary incorporated.

The SSDC Landscape and Heritage officers have confirmed that they are happy with the revised proposals.

The revised proposal maintains the development mix of the submitted scheme comprising; 54 dwellings, a 60 bed care home, open space including 4 full size (or 8 half size) allotment plots and associated infrastructure. The site measures 3.44 ha. Excluding the care home (0.39 ha) and open space, the residential developable area measures 1.55 ha giving a density of 35dph.

(from Addendum to Design & Access Statement)

## **CONSIDERATIONS**

### **Principle**

Notwithstanding local concerns about the need for housing in Milborne Port, the village is a designated Rural Centre and as such is considered to be a sustainable location for a modest level of development, commensurate with the status of the village in the hierarchy of settlements in the local plan. Accordingly Milborne Port is allocated at least 279 dwellings over the plan period (policy SS5). This is a minimum not maximum level of growth. There is no phasing requirement to this allocation and

the current proposal corresponds with the identified residual and as such cannot reasonably be rejected on the grounds of over development or prematurity.

Local concerns about the balance between homes and jobs and possible increases in out-commuting are noted. Whilst the local plan does seek a balance between the provision of new homes and employment opportunities it is beyond the scope of planning legislation to insist that people live where they work. Lifestyle choices will always influence where people choose to live and thereby their commuting patterns. Similarly market forces will influence business location. Through its planning policies the District Council seeks to provide choice to both the purchasers of new homes (appropriate levels of growth are promoted across the District by policies SS5 and SS2) and businesses (employment growth is supported in appropriate locations across the District by policies SS3 and the detailed employment EP1-8). Accordingly it would not be reasonable to withhold permission for residential development on the grounds that future occupiers might choose to commute elsewhere to work.

The provision of a modern care home on this edge of settlement site, within a residential development of up to 54 dwelling including 35% affordable, is not considered objectionable in principle and would an accepted need for such accommodation identified by policy HG6. It is accepted that overall the proposal would make a contribution towards the provision of a range of much needed accommodation of different types and tenures. The employment opportunities that would be provided by the care home are noted and are considered consistent, in principle, with policy SS3.

Turning to the location, whilst this is outside the settlement boundary, this is not objectionable in principle; much recent housing in the village has been delivered on brownfield land and as the supply of this land dwindles it is inevitable that greenfield sites will become necessary. Each application would need to be considered on its own merits and no individual site would set a precedent. As identified by the Policy Officer a permissive approach is to be taken until such time as sites are allocated. This approach is considered reasonable in this instance.

Accordingly the application falls to be determined on the basis of its merits, balancing any harms against the government's acknowledged benefits stemming from the provision of much needed housing in sustainable locations.

## Highways Issues

Whilst the concerns of local residents are noted no evidence has been produced to demonstrate that the county Highway Authority's assessment of the impacts of the proposal is flawed. The County raises no objection to the detail of the point of access from Gainsborough for which full approval is sought, nor have they objected to the wider impacts of additional movements for example within the village or at the junction with the A30. Accordingly it is not considered that there is any evidence that points to a 'severe' impact on highways safety or capacity and as such it is not considered that a refusal on highways grounds could be sustained and in this respect the proposal meets the requirements of the NPPF and policy TA5 of the local plan.

## Visual Impact

The Peripheral Landscape study of Milborne Port provides the following assessment of the land to the west of Gainsborough:-

*“Land to the north of Crackmore is visually contained from the south by the mature shelterbelts that align the A30. From the village edge, the land rises gently to the low shoulder of Vartenham Hill, which provides a backdrop to the village as viewed from East Hill ..., and contains its growth. This hilltop and associated high ground is graded as **high** sensitivity as its head contains and obscures development form as viewed from public vantage points to the west. Closer to the village edge, fields to either side of Newtown - which after 150 years is yet viewed as having a degree of detachment from the main residential areas of Milborne Port - are graded as **moderate** sensitivity, for whilst the village edge is clearly defined by the Gainsborough/Combe Hill road and*

*associated hedgelines (photo 9) these edge areas do not share the prominent visual profile as that of the hilltop to the west.”*

The proposal, as amended, would maintain the mature shelterbelt to the A30 and does not extend to the higher parts of Vartenhem Hill, which would remain as a pastoral backdrop to the village when viewed from the east. The development would be visually separated from Newtown by the existing allotments and as such would maintain the ‘rotten borough’s’ detachment from the main parts of Milborne Port. On this basis it is accepted that the development would not have an undue visual impact of the setting of Milborne Port when approached from the west or viewed from the east.

With regard to the closer relationship with the existing built form of the village it is noted that the land closest to Gainsborough is identified as having a ‘moderate’ sensitivity given that the current edge of the village is not visually prominent. The proposal would move this edge to the west, stopping well short of the hilltop. It is considered that the proposed layout of development with allotments and public open space on the western edge of the site would create a suitable feathering of the built form into the countryside beyond.

The southeast corner of the site, which is adjacent to the conservation area, would be retained as open space which would be edged by the loose, linear form of 4 detached houses. It is considered that this would appropriately preserve and enhance the character and appearance of the conservation area and safeguard the setting of the listed pump house and former school building.

Accordingly given that the Council will be able to seek an appropriate scale and design of development, along with suitable landscaping at the reserved matters stage, it is not considered that outline planning permission could reasonably be refused. On this basis it is considered that this outline proposal complies policies EQ2, EQ3 and EQ5 of the local plan. Detailed compliance with these policies and the Parish Plan can be access at the reserved matters stage.

### **Loss of Greenfield**

The land in question is not ‘greenbelt’ land and does not benefit from the level of protection affordable by that status. However it is accepted that the proposal would result in the loss of c. 3.44 hectares of grade 3a agricultural land. This comprises some of the ‘best and most versatile’ (BMV) land which the NPPF (para.112) advises has economic and other benefits which should be taken into account. Where significant development of agricultural land is necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

In this instance, although the development has undoubted significance for the village it is not considered that development of 3.44 hectares of BMV agricultural land could reasonably be considered to be a significant loss of this resource when considered on the wider scale. Furthermore given the rural setting of Milborne Port it is evitable that its future growth will involve the development of greenfield sites. Most of the land around the village is grade 3a and therefore the loss of some BMV land will have to be contemplated.

Such loss of BMV land should not be seen as justification for an automatic rejection of offending proposals. Rather it should a consideration weighing against the development in the exercising of the ‘planning balance’. If the scheme is acceptable in all other respects it is not considered that this modest loss of BMV agricultural land could reasonable justify withholding planning permission. Whilst this land may be ‘organic’ there is no policy presumption to afford this a higher level of protection.

### **Residential Amenity**

Subject to agreeing appropriate siting (within the approved layout) and the design of houses at the reserved matters stage there is no reason why the development of this site would be inherently harmful to the amenities of existing residents or prejudicial to the amenities of future occupiers of the development. On this basis the proposal complies with the requirements of policy EQ2.

## **Other Issues**

No technical consultee has recommended refusal on the grounds of ecology, trees, drainage, protected species, archaeology or land contamination. It is considered that these matters could reasonably be addressed by appropriate conditions. Whilst local infrastructure concerns are noted no provider has objected to the proposal and the developer is agreeable to the mitigating measures as requested.

Concerns about property values and the fact that the developer will make a profit are not material planning considerations. Equally the fact that other legislation might give future occupiers of the affordable units the right to buy is not a planning consideration. Finally concerns raised over the adequacy of the supporting information are noted however they are not shared by the consultees who have considered this information.

## **Planning Obligations**

The proposed development would result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested equating to an overall total of £181,980.

The County have requested an education contribution of £134,827 together with Travel Planning measures.

The applicant has raised no objection to making these contributions and has also agreed to the request for 35% of the houses to be affordable as requested by the housing officer. In addition allotments and onsite open space is offered. Provided these benefits are secured through the prior completion of a Section 106 agreement the application is considered to comply with policies SS6, HW1 and HG3 and the aims of the NPPF.

## **Conclusion:**

This is a site adjacent to the settlement boundary of Milborne Port and is considered to be in a sustainable location with access to a range of day to day services and facilities. The applicant has agreed to the provision of affordable housing and paying the appropriate contributions, as such the development is considered to be acceptable in principle. No adverse impacts on highways safety, archaeology, landscape, ecology, drainage or residential amenity have been identified that justify withholding planning permission and the proposal would provide significant benefits in terms of the provision of a variety of housing types of various tenures, allotments and on site open space.

Whilst the harm stemming from the loss of 3.44 hectares is acknowledged it is considered that this is substantially outweighed by the benefits of the development. On this basis the proposal is considered to be an acceptable form of development that accords with the policies of the Local Plan, and the aims and provisions of the NPPF.

## **RECOMMENDATION**

That application 14/03377/OUT be approved subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (a) A contribution of £181,980 (£3,370 per dwelling) towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
  - £46,657 towards enhancements of the existing play area at Gainsborough;
  - £9,161 towards enhancements of the existing youth facilities at Gainsborough;
  - £21,523 towards enhancement of existing pitches at the Memorial Playing Fields, Springfield Road;

- £43,698 towards enhancement of existing changing rooms at the Memorial Playing Fields, Springfield Road;
  - £49,210 as a commuted sum towards the above local facilities
  - £9,930 towards the provision of a new learner pool at Wincanton
  - £1,802 as Community Health and Leisure Service Administration Fee
- (b) At least 35% of the dwellings as affordable dwellings of a tenure that is acceptable to the Corporate Strategic Housing Manager.
- (c) The provision and subsequent maintenance of the allotments and on site public open space in perpetuity, either by adoption by the District or Parish Council or by management company to the satisfaction of the Development Manager
- (d) an education contribution of £134,827 to the satisfaction of the Development Manager in consultation with the County Education Authority
- (e) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority

and the following conditions.

**Justification:**

Notwithstanding the local concerns, by reason of the range of services and facilities to be found in the locality this is considered to be a sustainable location in principle for appropriate development. The erection of 54 dwellings and a care homes would provide employment opportunities, make provision for enhancements to community facilities and would contribute to the supply of local housing without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety impacts and would respect the setting of nearby heritage assets. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

**Subject to the following conditions:**

01. Details of the appearance, landscaping 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.

02. 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 not 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.

03. The development hereby permitted shall be carried out generally in accordance with the Illustrative Masterplan shown on drawing number 131201 L 02 01 and drawing numbers 131201 L 0205, 131201 L 02 02 and 131201 L 02 04 received 27/03/15.

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

04. No development hereby approved shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme shall include measures to prevent the run-off of surface water from

private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. The development hereby permitted shall not be commenced until such time as a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. Such LEMP shall set out measures for the enhancement of biodiversity and include the provision of bat, swallow and swift boxes. The biodiversity enhancement measures shall subsequently be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

08. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice. (Completed)
  - b) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
  - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.

- d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
- e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan 2006 – 2028.

09. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological potential of the site in accordance with policy EQ3 of the South Somerset Local Plan 2006 – 2028.

10. Prior to commencement of development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, tree & hedgerow protection fencing shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and the Council's Tree Officer shall then be arranged at a mutually convenient time. The locations and suitability of the tree protection fencing shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. No construction related activities shall take place within the fenced-off areas without the prior consent of the Council in-writing. The approved tree protection fencing shall remain in-situ and un-disturbed for the duration of the construction of the development and it may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of trees and hedgerows in accordance policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006 – 2028.

11. No part of the development hereby permitted shall be occupied or brought into use until a footway along the site frontage and extending to the south to tie into the existing footway and to the north providing a dropped kerb pedestrian crossing facility has 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 highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

12. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

13. The access hereby approved shall be constructed in accordance with details shown on the submitted plan, drawing number 14315/T05 and shall be fully provided prior to the first occupation of any part of the development. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

14. At the approved access there shall be no obstruction to visibility greater than 600 millimetres above the adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 14315/T05) Such visibility splays shall be formed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

15. 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 highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

15. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

16. The care home hereby approved shall only be used for uses falling within C2 the Use Classes Order.

Reason: In the interests of residential amenity and to ensure adequate parking is provided in accordance with policies TA6 and EQ2 of the South Somerset Local Plan 2006-2028.

#### Informatives

1. You are reminded that parking provision should be in line with the Somerset County Council Parking Strategy.
2. It is suggested that 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.



3. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.
4. You are reminded of the need to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. You should contact the Highway Authority to progress this agreement well in advance of commencement of development.
5. When discharging the drainage conditions you are reminded of the following advice from the Environment Agency:-
  - Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.
  - The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
  - If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.