

Area West Committee – 19th February 2014

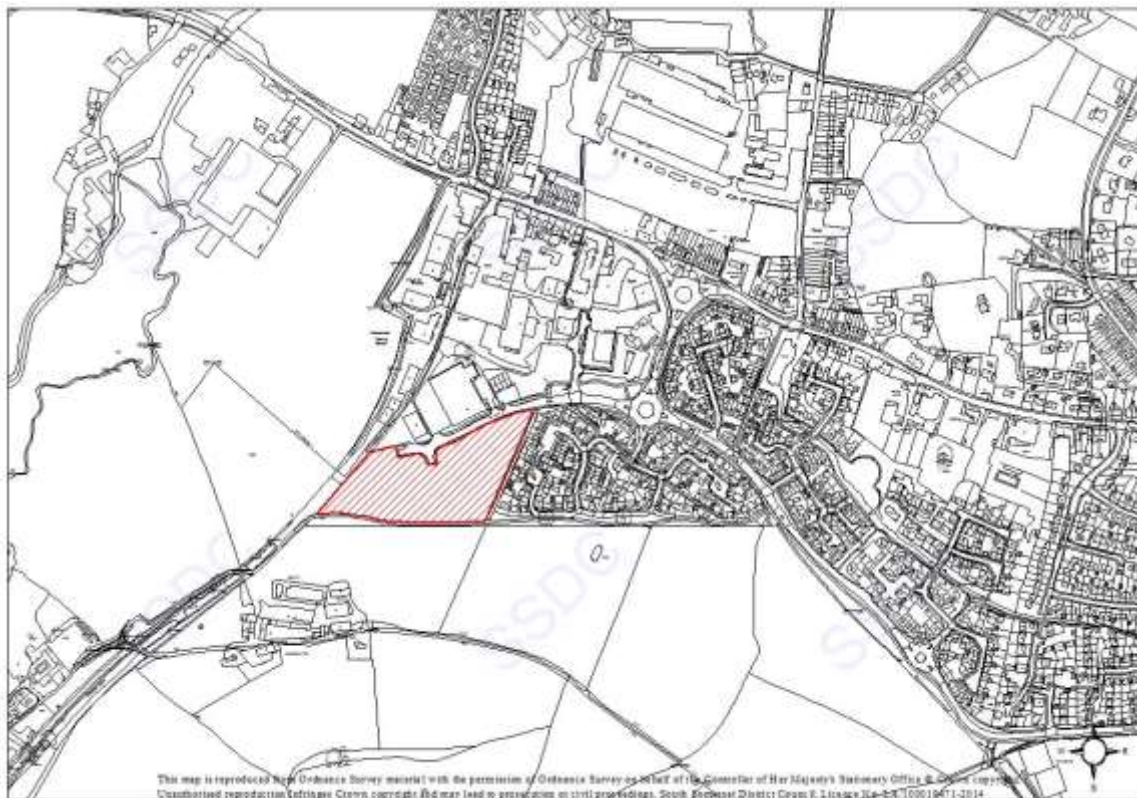
Officer Report on Planning Application: 13/04760/FUL

Proposal:	The erection of 65 No. dwellings and associated works to include play provision (Revised Application). (GR 334845/114681)
Site Address:	Land At Canal Way Ilminster
Parish:	Ilminster
ILMINSTER TOWN Ward (SSDC Member)	Cllr C Goodall Cllr K T Turner
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date:	21st February 2014
Applicant:	Persimmon Homes (South West) Ltd
Agent: (no agent if blank)	Mrs Catherine Knee WYG Hawkridge House Chelston Business Park Wellington Somerset TA21 8YA
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASONS FOR REFERRAL TO COMMITTEE

The application is classed as a 'major major' (2 hectares or more) and therefore in accordance with the Council's adopted scheme of delegation, has to be referred to Area West Committee.

SITE DESCRIPTION AND PROPOSAL





The site is located towards the western side of Ilminster, on the southern side of Canal Way. The site is currently grassed and adjoins a residential area to the east and business units to the north. To the south and west is countryside. Public rights of way adjoin the site with a public footpath running along the eastern boundary and a bridleway along the southern boundary. National Cycle Route 33 also follows the line of the bridleway to the south. The application site is approximately 2 hectares in size and forms the remaining undeveloped area within a larger 21.6 hectare development site, which includes the adjoining housing and commercial developments. It is within the Ilminster development area and is referred to as a commercial area of major change in the saved South Somerset Local Plan. Approval was granted in 2008 for the provision of 4 industrial buildings, however this consent has now elapsed. The southern and eastern boundaries of the site benefit from fairly extensive landscaping, with mature boundary hedges present. Planning permission has also recently been refused at Area West Committee (November 2013) for the erection of 65 dwellings on the grounds that no on-site play facilities were proposed.

This application is a revised scheme following the refusal of planning application 13/02740/FUL. The proposed scheme is laid out as previously submitted, however on-site play provision (LEAP) is now proposed in the south west corner of the site, along with an area of informal open space. Plot 54 has been re-orientated to allow improved supervision of the play area and adjoining open space, otherwise the scheme is as previously submitted for the erection of 65 dwellings and garages, along with associated works including laying out of new estate roads, surface water attenuation, other drainage and landscaping arrangements. A range of dwellings are proposed from 1 bedroom flats to 4/5 bedroom homes. 23 affordable dwellings are proposed and are to be clustered to the north east of the site. The dwellings incorporate a simple range of materials, comprising Fortacrete reconstituted stone (Blackmoore Olde Heather) and Ibstock Brunswick bricks (Wilton Yellow and Autumn) with Redland Richmond and Mini Stonewold roof tiles. The layout incorporates a main spine road from an existing hammerhead into the site from Canal Way, with shared surface roads into the remainder

of the development site. It is still proposed to provide links into the existing public footpath and cycle network to be provided in a number of places.

The application is supported by:

- Design and Access Statement and Planning Statement
- Flood Risk and Drainage Assessment
- Transport Statement
- Travel Plan
- Ground Conditions Desk Study Report
- Habitats Survey (Phase 1 Survey, Bat and Dormouse Survey Reports)
- Archaeology and heritage Desk Based Assessment
- Arboricultural Constraints Report
- Statement of Community Involvement

HISTORY

13/02760/FUL: The erection of 65 No. dwellings and associated works - Refused.

12/04878/EIASS: Proposed residential development of up to 60 dwellings - EIA not required.

09/00459/S73: Application to delete condition 3 of decision notice 08/01602/FUL dated 12.09.08 (to be replaced by a new condition.

allowing B1, B2 and B8 use across the whole site but limiting 50% of block 4 for B2 use) and vary condition 19 by replacing the word opening with delivery and amend hours to 07.00-19.00 Monday to Saturday and 09.00-16.30 Sundays, Bank and Public Holidays Permitted with conditions.

08/01602/FUL: The erection of 4 industrial buildings and associated parking - permitted with conditions.

97/01637/OUT - development of 21.6 hectares of land for residential development and employment purposes (approved 1998).

A large number of applications have been previously been submitted with regard to other aspects of the larger site, including the now developed adjoining sites.

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.

Relevant Development Plan Documents

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest

EP1 - Pollution and Noise
 EP5 - Contaminated Land
 EP6 - Demolition and Construction Sites
 EP9 - Control of other Potentially Polluting Uses
 EU4 - Drainage
 TP1 - New Development and Pedestrian Movements
 TP2 - Travel Plans
 TP4 - Road Design
 ME3 - Employment within Development Areas
 HG7 - Affordable Housing
 CR2 - Provision of Outdoor Playing and Amenity Space in New Development
 CR3 - Off Site Provision
 CR4 - Provision of Amenity Space

Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Core Planning Principles - Paragraph 17
 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 - Climate Change and Flooding
 Chapter 11 - Conserving and Enhancing the Natural Environment
 Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Strategy (March 2012)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments
 Goal 4 - Quality Public Services
 Goal 8 - Quality Development
 Goal 9 - Homes
 Goal 11 - Environment

CONSULTATIONS

The responses from the following consultees are provided below in summary form only. The full responses are available on the public planning file.

Iminster Town Council: Recommend refusal. Issues discussed during consideration of this item included:

- Crime and disorder
- Child safety & protection
- Surveillance of LEAP site should not be the focussed responsibility of one property, unsatisfied.
- The proposed LEAP is sited in a remote location which has also been raised in police report.
- Proximity of the cycle path
- Proximity of deep water

Donyatt Parish Council: No comments received in respect to this application. The following response was received in regard to previous application 13/02740/FUL - No objections in principle, however concerned that proposed development in Chard and Cuttifford's Door will add to surface water run-off to the River Isle, through Donyatt, which

may impact on the flood plain. Donyatt PC would like to be sure that the interactions with this site has been considered.

County Rights of Way: No objection. The proposed pedestrian and cycle access routes are welcomed, although these will need to be discussed with the Rights of Way Team in more detail.

SSDC Rights of Way: No comment.

County Archaeology: No comments received in respect to this application. The following response was received in regard to previous application 13/02740/FUL - An on-site evaluation revealed Roman and Prehistoric remains. The applicant has had the appropriate archaeological investigation works carried out and no further work is required in this respect. As such there is no need for any conditions to be imposed if permission is granted.

County Education: No new comments received in respect to this application, previous comments apply. The following response was received in regard to previous application 13/02740/FUL - Confirmed that Greenfyld First School is overcrowded, with nine first school places required as a result of the development proposal. At a cost of £12,257 per place, there is a need for development contributions of £110,313.

SSDC Climate Change Officer: Has referred to Building Regulations and emerging Local Plan policies requiring consideration of high-efficiency alternative energy systems and requirement to build to Code for Sustainable Homes level 4. Does not support the scheme as there is no comment included in the proposal in respect to provision of renewable energy generation equipment that will be required for Building Control purposes.

SSDC Economic Development: No new comments received in respect to this application, previous comments apply. The following response was received in regard to previous application 13/02740/FUL - The site has previously been marketed to a level that is consistent with the Council's guidance in respect to marketing land for employment use prior to consideration of a change of use. Notwithstanding this, the site is not designated as employment land and therefore the proposal would not lead to a net loss of employment space. While it would have been preferred that this site was used for employment purposes, there is no current employment use and with the lack of designation, there are no grounds to recommend refusal.

SSDC Environmental Protection Officer: No objections - the current industrial uses on the adjoining trading estate are currently compatible with the proposed development, with a generous buffer zone provided by the proposed housing layout. It is however noted that the granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

Wessex Water: No new comments received in respect to this application, previous comments apply. The following response was received in regard to previous application 13/02740/FUL - No objections raised. It is advised that the site will be served by separate systems of drainage constructed to current adoptable standards. There are public and foul sewers and a public water supply available for connection, details to be agreed. It is noted that there is a water main crossing the site, which will require diversion at the cost of the developer. Following receipt of an amended drainage proposal, any further comments shall be reported at the committee meeting.

SSDC Housing: 23 affordable units (based on 65 in total), is expected. A split of 2/3 social rent (16) and 1/3 shared ownership or other intermediate solutions (7), is expected. Properties should be pepper potted through the site and that all dwellings comply with at least HCA minimum space standards for affordable housing.

Current Housing Register data indicates requirement for Ilminster of 6 x 1 bed, 12 x 2 bed, 4 x 3 bed and 1 x 4 bed properties. The proposed mix is 4 x 1 bed units (all affordable rent), 12 x 2 bed units (6 x social rent and 6 x shared ownership) 6 x 3 bed units (4 x social rent and 2 x shared ownership) and 1 x 4 bed unit (social rent).

SSDC Community, Health and Leisure: A contribution of £374,930.58 (£5768.16 per dwelling) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

- £214,563.07 towards local facilities.
- £76,040.92 towards strategic facilities.
- £80,614.40 as a commuted sum towards local services.
- £3,712.18 as the Community, Health and Leisure Service administration fee.

It is proposed to provide a LEAP on site, which is intended to be developed by SSDC in partnership with Ilminster Town Council, after which it is expected to be transferred to the Town Council to manage. The requested sums include a commuted sum towards the management and future maintenance of the LEAP, which has been agreed in principle. While a more central position would have been preferred for the LEAP, it considered that the proposed location has good access from within the site and using three adjacent cycleway. There is implied supervision from nearby properties and the 30m buffer zone has been provided.

It is recommended that £167,104.85 is required upon occupation of the first 25% of the proposed dwellings, £131,784.81 upon the occupation of 50% of the proposed dwellings and the final £76,040.92 upon occupation of 75% of the proposed dwellings.

SSDC Open Spaces Officer: A development of 65 houses needs to provide between 572 and 715 sq.m of informal open space. The proposal, in terms of quantity and location of open space, is acceptable.

Environment Agency: No new comments received in respect to this application, previous comments apply. The following response was received in regard to previous application 13/02740/FUL - No objections, subject to imposition of conditions (or inclusion within a S106 legal agreement) to agree the technical details of the proposed drainage scheme, detail of management and future maintenance of the drainage arrangements and appropriate measures to be taken in the event of contamination being found on site. Standard informatives are suggested also. Following receipt of an amended drainage proposal, any further comments shall be reported at the committee meeting.

SSDC Technical Services: No new comments received in respect to this application, previous comments apply. The following response was received in regard to previous application 13/02740/FUL - Satisfied with proposed drainage arrangements. Use of culverts are acceptable as Wessex Water no longer has a policy of adopting crate attenuation. The proposed drainage attenuation provided under parking areas is acceptable from a highway point of view.

County Highway Authority: No objections to the layout of the estate roads, access and

parking arrangements and to the expected levels of traffic generation. The Travel Plan was however considered to be inadequate. The proposed drainage attenuation below private parking areas, off the highway, is acceptable in principle to the Highway Authority, subject to technical details being approved by condition. Other standard highway conditions and informatives are also requested, if planning permission is approved. Reference has been made to the width of the shared surface roads, although it has been clarified that this is not a cause to object. It is also noted that this was not identified as a concern on previous application 13/02740/FUL.

SSDC Conservation Manager: No new comments received in respect to this application, previous comments apply. The following response was received in regard to previous application 13/02740/FUL - No objection in principle however some comments received in respect to house designs and site layout, regarding boundary treatments and design issues. It is requested that amendments be sought to provide expressed lintels to all ground floor openings and that windows are required to be of a balanced casement design.

SSDC Ecologist: No new comments received in respect to this application, previous comments apply. The following response was received in regard to previous application 13/02740/FUL - There is evidence of bat activity within the retained boundary hedges, however these are mainly common species that would not be expected to be significantly impacted on by the proposed development. Low levels of other species were recorded but these are of such a small amount that they are also not considered to be a constraint to the development. No dormice or badgers were found to be present on site. No objections to the proposal subject to conditions relating to additional checks for badger presence and for provision of biodiversity enhancements.

Somerset Wildlife Trust: The proposed development, associated habitat and species surveys and proposed enhancements are noted. It is recommended that the proposal to use native plant species is extended to all on-site planting. It is requested that all proposed enhancements are included in the planning conditions should planning permission be granted.

Police Crime Prevention Design Officer: Initial concerns raised in respect to the location of the LEAP due to its remoteness, the amount of existing planting blocking views and associated risk of anti-social behaviour, likelihood of criminal damage and perception of crime. Following a re-design of the informal open space, proposed landscaping scheme and re-orientation of plot 54, concern is raised that the emphasis for policing the play area would be put on this property. There is also no perceived benefit from the additional public open space.

SSDC Landscape Architect: Has concerns about the amount of existing structural landscape planting that will have to be removed to accommodate the LEAP and informal open space. Also concerned that the LEAP in the south west corner of the site is not integrated into the development in a meaningful manner and appears to be shoehorned in. In order to create a meaningful provision of public open space, the south west end of the site would benefit from be re-designed, which may include the unavoidable loss of house plots. Also concerns raised about the location of the garages serving plots 50 and 51 as these block off public passage to the play area from the east.

SSDC Tree Officer: No objection raised, although has suggested alternative tree species to those identified in the proposed landscaping scheme.

REPRESENTATIONS

The application has been advertised by site notice and in the local press for the requisite period. No comments have been received.

CONSIDERATIONS

Principle of Development

The plot is located within the defined development area of Ilminster and as such the development is considered acceptable in principle subject to it being in accordance with relevant local and national policy.

The application is made for the provision of 65 homes on an undeveloped plot of land at the edge of Ilminster. It is a resubmission of application 13/02740/FUL, which was recently refused on the basis of that no on-site play facilities were proposed, contrary to saved policy CR2 of the South Somerset Local Plan and the aims of sustainable development identified by the National Planning Policy Framework. The proposed scheme includes the same layout as previously considered, with the addition of a LEAP and an area of informal open space in the south west corner of the site, where only informal open space was previously proposed. The house on plot 54 has been re-orientated to have direct views towards the areas of public open space. The applicant hopes that the revisions will address the earlier reason for refusal.

As the remainder of the scheme is similar to that previously considered, the refusal reason related solely to the lack of open space and there has been no significant changes in relevant planning policy recently, it is considered that the application should be acceptable in principle, although consideration will have to be given to the amended elements and any impact they may have.

Scale, Design and Appearance

The development is proposed at a density of approximately 32 dwellings per hectare, with the majority of houses being laid out around secondary road branches either side of a main spine road, which runs southwards from the access off Canal Way. The site is constrained by its size and shape, however the submission follows previous discussions with Planning Officers, the Council's Landscape Officer and Conservation Manager and is considered to be a well laid out to make best use of the available space.

The proposed dwellings are orientated to form attractive formal street scenes within the site. They are simply designed and proportioned, with materials and a scale similar to the nearby residential development. The layout incorporates mainly frontage car parking, which is softened by a comprehensive landscaping scheme and proposed use of brick walls and railings for boundaries onto the public domain. Timber fencing is proposed only where gardens back onto existing hedge boundaries or other proposed dwellings. Some design issues have been flagged up in respect to boundary treatments and the position and finish of meter boxes, however these have been adequately addressed in the scheme and subject to final approval of meter box positions and finishes, have led to no objections. The Conservation Manager still maintains his previous comments which include a request for the inclusion of express lintels to the ground floor openings of the proposed dwellings, however the applicant had previously chosen not to implement this recommendation, other than on a few of the focal buildings in more prominent locations. While this is disappointing, it was not considered to be of such importance that would warrant a recommendation of refusal and the same applies.

The proposal includes good links to the existing footpath and cycle networks in the vicinity of the development.

In considering the revisions to the scheme, which include the provision of a LEAP play area within the site, there are mixed responses from consultees. Both the Police Crime Prevention Design Advisor and the Council's Landscape Officer have raised concern about the remoteness of the LEAP and in the far south west corner of the site and potential for anti-social behaviour and other crime. The Landscape Officer has also raised concern about the level of existing structural planting to be removed, particularly on the site boundaries. Both would prefer the play area to have a better relationship with the site as a whole. While the Council's Community, Health and Leisure Service have also advised that they would prefer to see the LEAP in a more central location, they do support the proposed location in that it does have implied supervision from the nearest dwellings and it is well related to the footpath and cycle network that runs through and adjacent to the site. The same applies to the area of informal open space proposed adjacent to the LEAP. The Community, Health and Leisure team have also identified the importance of a 30m buffer zone between the play area and the nearest properties. From their experience anything less can often lead to disturbance to neighbouring properties to the detriment of residential amenity. It is for this reason, along with the size and shape of the site that this is the only realistic option for locating an on-site play area of this type.

While the concerns about the location are acknowledged it is considered that the proposed public open space (play area and informal open space) is acceptable. While it is in a corner of the site, it does have a degree of overlooking from the nearest dwellings, with views of the LEAP across the informal play area but is also at the required distant to avoid unacceptable disturbance of neighbouring properties. There are good links from elsewhere in the site and outside the site due to the presence of the footpaths and extended cycle network passing through the play area. This in turn increases the levels of implied supervision due to the potentially well used nature of these rights of way. While concerns have also been raised about the removal of high levels of structural landscaping to make way for the open space, there is new hedge planting proposed to the west and south boundaries of the site. This along with the strong existing hedges on the southern side of the bridleway mean that there will still be a good boundary formed with the adjoining open countryside. While it would be preferred to retain more of the existing planting, it is not considered sufficient grounds to recommend refusal. Overall, the proposed public open space meets the requirements of saved Local Plan policy CR2 and is appropriately located to make most efficient use of land within the site.

Highway Safety

The County Highway Authority have confirmed that they have no objections to the development in respect to its layout, access arrangements and arrangements for private off-street parking. A Transport Assessment submitted by the applicant has been fully assessed by the Highway Authority and they have raised no concerns relating to expected levels of traffic movements and associated trip patterns. The Highway Authority have on this occasion mentioned that the shared surfaces should be 5m in width to allow vehicles to pass. As mentioned in the previous comments though, the main surface is 4m wide with an additional 2m service area all the way around the shared surface roads, which will also act passing places. It has been confirmed that there are no highway safety concerns that would lead to an objection being raised by the Highway Authority. As such, the proposed development is satisfactory and will have no adverse impact on highway safety.

Residential Amenity

The site borders an existing residential development (Adams Meadow) to the east, with open fields to the south and west and industrial development to the north. In this case, the dwellings proposed along the eastern boundary of the site back onto an existing mature hedgerow that will restrict any views towards the nearest properties in the adjoining residential development. Notwithstanding this, there is a good distance between the respective developments, which are further separated by the adjoining public footpath and another hedge on the Adams Meadow side. As a result of the existing boundary treatments and distance between the nearest properties on the proposed and adjoining development, it is not considered that there will be any unacceptable harm caused to the residential amenity of existing or future residents.

In respect to the proposed dwellings, there is an existing industrial development to the north. The Council's Environmental Protection Officer has considered the proposal and is satisfied with the buffer zone between the two developments. It is also noted that the nearest businesses do not carry out operations that would be considered to have an adverse impact on residential amenity. Overall, the relationship between the industrial area and proposed development is considered to be acceptable.

Any impact on adjoining residents and businesses as a result of this proposal is more likely to occur during the short term construction phase. In order to reduce any adverse impact, it is proposed to impose a condition requiring a Construction and Environmental Management Plan (CEMP) to cover work hours, vehicle movements, parking, etc.

Drainage/Flood Risk

The application is supported by a flood risk assessment and drainage assessment, which concludes that the site is within Flood Zone 1 and at low risk of flooding, and therefore suitable for residential development. The site is adjacent to a larger flood plain to the west, which includes Flood Risk Zones 2 and 3, however it is not considered that there is a significant risk of flooding. Neither the Environment Agency nor the Council's Drainage Engineer have raised concerns with the information submitted, with the latter also being satisfied that the proposed drainage arrangements are appropriate to reducing the risk of flooding locally.

It is proposed that a new surface water drainage system will be provided within the site, comprising two separate networks, with controlled connections to existing public sewer network along Canal Way. Foul water is also proposed to be connected to the existing network. The applicant has been in negotiations with Wessex Water and have confirmed that the new drainage networks will be adopted by them and that there is capacity for the proposed development to be accommodated locally.

The technical details of the drainage arrangements will be dealt with by condition, however the details submitted at this stage, indicate the use of culverts and provision of attenuation under private parking areas. While final details could differ, where appropriate, the details submitted are considered to be acceptable to serve this development.

Overall, the development is considered to be acceptable in this location and appropriate arrangements are able to be put in place to avoid the risk of increased flooding by ensuring that all foul and surface water is dealt with appropriately.

Planning Obligations

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £374,930.58 (£5768.16 per dwelling). This includes a contribution towards a commuted sum for the future management and maintenance of the LEAP, which is intended to be developed in partnership with SSDC and Ilminster Town Council, before being transferred to the Town Council, as agreed in principle between all parties.

It is also intended at this stage to transfer the informal open space to SSDC to maintain in the future. Appropriate contributions will be requested in accordance with the Open Space team's schedule of works, in the event of adoption of the land by SSDC.

The County Education Department have identified a shortage of first school places locally, with the need for an additional 9 places resulting from the proposed development. At a cost of £12,257 per place, development contributions of £110,313 are sought.

The Travel Plan submitted with the application was deemed to be lacking in certain areas, however the developer will be required to agree the appropriate content as part of the S106 agreement. This is not a matter that should be a constraint on approving planning permission.

The proposal meets the District Council's requirement for 35% affordable housing, however the split of rents, mix of housing types and sizes of the 2 and 3 bedroom units do differ slightly from the Housing Team's requested requirements, which are based on local housing need data. In respect to size, the units fall just short of the Council's expected minimum space standards, however there is no policy basis to refuse permission and even so, the sizes are not considered to be unreasonable or likely to cause unacceptable harm to the residential amenity of future occupiers. The rental split is out by one too many shared ownership properties and Housing have identified that there are too many 3 bed units and too few 1 bed units. Notwithstanding this, the applicant has made it clear that they have been in negotiations with several affordable housing providers, prior to finalising the layout of the scheme and the proposed mix of property sizes and split of rents. They have confirmed the submitted proposal is in agreement with these affordable housing providers, who are satisfied that it reflects their needs. For this reason, it is not considered reasonable to refuse planning permission, as it is deemed that the proposal meets an identified local need, if not entirely consistent with the Housing Team's request.

Should the application be approved, a Section 106 agreement will be required to address these matters identified above.

Ecology

The Council's Ecologist has assessed the habitat surveys carried out on site and is content that no reptile or dormouse are present. While bat activity has been identified on site, this is not at a level considered to be a constraint on development. No objection is raised subject to conditions requiring biodiversity enhancements, such as appropriate planting and provision of bat boxes, etc. and that checks are carried out in relation to presence of badgers, prior to the development commencing, if approved.

Archaeology

An initial evaluation of the site has revealed Roman and Prehistoric remains. Further

investigation works have since been carried out to the satisfaction of the County Archaeologist. Therefore no further works are required and no conditions are necessary in the event of planning permission being granted.

Sustainable Energy

The Council's Climate Change Mitigation does not support the proposal as no reference has been made to the provision of renewable energy generation, which is requirement for Building Control purposes. While this is acknowledged, there are no policy grounds to object on this basis. The applicant has however advised that they intend to construct the dwellings to the necessary Building Regulation standards.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, a screening opinion was submitted in December 2012 (12/04878/EIASS). The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment. It was determined that in this case an Environmental Impact Assessment was not required.

CONCLUSION

The site is located within the defined development area of Ilminster and as such the proposal is considered to be sustainably located. Furthermore, the application is deemed to satisfactorily address the reason for refusal of previous application 13/02740/FUL. It is considered that the impact on the local flood risk, ecology, archaeology, surrounding landscape character, residential amenity and highway safety will be acceptable. The applicant has agreed to pay the appropriate contributions. The application is considered to be acceptable in all other regards.

RECOMMENDATION

The application be approved subject to:-

(i) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:

(a) The agreed contribution towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority).

£214,563.07 to be used for local facilities.

£76,040.92 to be used for strategic facilities.

£80,614.40 as a commuted sum towards local services.

£3,712.18 as the Community, Health and Leisure Service administration fee.

b) To ensure that 23 of the residential units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan (to the satisfaction of the Local Planning Authority).

c) Contribution towards education of £110,313 to provide an additional 9 first school places.

d) An appropriate Travel Plan.

e) To ensure that appropriate measures are put in place to secure the provision and on-going management and maintenance of areas of public open space (including LEAP, Informal Open Space and other open space within the site).

f) To ensure that appropriate measures are put in place to secure the on-going management and maintenance of areas of the surface water drainage scheme.

g) S106 Monitoring fee based on 20% of the planning fee paid.

and

(ii) conditions, as set out below:

01. The proposed development comprising 65 residential units, by reason of its appearance, landscaping, layout and scale is considered to be acceptable and will contribute to the Council's housing supply. Furthermore, the proposal provides sufficient parking, drainage and landscaping measures to mitigate the impact of the development and would have no adverse impact on highway safety, local flood risk and residential amenity, in accordance with the aims and objectives of saved policies ST3, ST5, ST6, ST7, ST10, EC3, EC8, EH12, EP1, EP5, EP6, EP9, EU4, TP1, TP2, TP4, ME3, HG7, CR2, CR3 and CR4 of the South Somerset Local Plan 2006 and the provisions of the chapters 4, 6, 7, 8, 10, 11, 12 and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 'D01 Rev A', '2013 ILLM sk300 P2', '0870-P-S1 Rev A', '2420-P-S1 Rev B', '3520-P-S1 Rev B', '4720-P-S1', '1210-PA-S1', '999-P-S2 Rev A', '0761-P-S2', '0969C-P-S1', '0969-P-S1', '999C-P-S1', '999-P-S2', '999-P-S1 Rev A', '0631-P-S1 Rev A', '0761-P-S1 Rev A', '1096-P-S1', '1222-P-S1', '1414-P-S1' and '1414-P-S2', received 22nd November 2013 and '1414-P-S2 Rev A', '2013 ILLM sk110 P4', '2013 ILLM sk111 P5', '2013 ILLM sk112 P4', '2013 ILLM sk113 P2', 'L.01 Rev K' and 'L.02 Rev D', received 20th December 2013.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:

a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;

b) panels of brickwork and stonework shall be provided on site for inspection;

c) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any roof lights) and doors;

d) particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;

- e) details of position and colour finish of meter cupboards, gas boxes, rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally);
- f) internal floor levels of the buildings.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan and the provisions of Chapter 7 of the National Planning Policy Framework.

04. Before the development hereby permitted is a commenced, foul water drainage detail to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure satisfactory drainage at the site and for the prevention of flood risk, in accordance with saved policy EU4 of the South Somerset Local Plan.

05. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Such drainage scheme shall also include details of gullies, connections, soakaways and means of attenuation on site. The scheme shall subsequently be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To prevent the increased risk of flooding, in the interests of highway safety, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with saved policies ST5, EU4 and EP9 of the South Somerset Local Plan and the provisions of chapters 4 and 10 of the National Planning Policy Framework.

06. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of environmental health and to prevent pollution of the water environment, in accordance with saved policies ST5, EP5 and EP9 of the South Somerset Local Plan and the core planning principles and provisions of Chapter 10 of the National Planning Policy Framework.

07. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'L.01 Rev K' and 'L.02 Rev D', unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of

the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan and the provisions of Chapter 7 of the National Planning Policy Framework.

08. The proposed access shall be constructed in accordance with details shown on approved plan '2013 ILLM sk110 P4'. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

09. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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, motorcycle and cycle 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 highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

10. 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, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

11. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

12. The area allocated for parking on approved plan '2013 ILLM sk110 P4' shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

13. Prior to, (and within 2 months of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with saved policy EC8 of the South Somerset Local Plan, chapter 11 of the National Planning Policy Framework and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

14. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use, unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with saved policy EC8 of the South Somerset Local Plan and the provisions of chapter 11 of the National Planning Policy Framework.

15. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, pollution prevention measures and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To safeguard residential amenity and highway safety, in accordance with saved policies ST5, ST6 and EP6 of the South Somerset Local Plan and the core planning principles and provisions of Chapter 4 of the National Planning Policy Framework.

16. Construction works and deliveries to the site shall not take place outside of the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No construction work or deliveries to the site shall take place on Sundays or Public/Bank Holidays.

Reason: To safeguard residential amenity, in accordance with saved policies ST6 and EP6 of the South Somerset Local Plan and the core planning principles of the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that

Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

Informatives:

01. The applicant is advised that they will be required to enter into a suitable legal agreement with the County Highway Authority to secure the construction of the highway works necessary as part of the development.

02. Water Efficiency

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. Applicants are advised to refer to the following for further guidance

<http://www.environment-agency.gov.uk/homeandleisure/beinggreen/118941.aspx>

<http://www.savewatersavemoney.co.uk/>

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

The Code for Sustainable Homes should be complied with, achieving the highest level possible. For details on compliance with the Code the applicant is advised to visit:

<http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards>

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance it is available on the Environment Agency website www.environment-agency.gov.uk/subjects/waste/

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must

still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>
