

**6. The erection of 212 dwellings/apartments together with new estate roads and footpaths on land off Deanesly Way, Wincanton, Somerset**

**OFFICER: Simon Gale 01935 462071**

**APPL.NO: 08/02183/FUL APPLICATION TYPE: Full Application**

**PARISH: Wincanton WARD: WINCANTON**

**DESCRIPTION: The erection of 212 dwellings/apartments together with new estate roads and footpaths (GR 372123/128558)**

**LOCATION: Land Off Deanesly Way Wincanton Somerset BA9 9RG**

**APPLICANT: Taylor Wimpey (UK) Ltd**

**AGENT: Martin Denley RPS Design155 Aztec WestAlmondsbury Bristol BS32 4UB**

**DATE ACCEPTED: 8 May 2008**

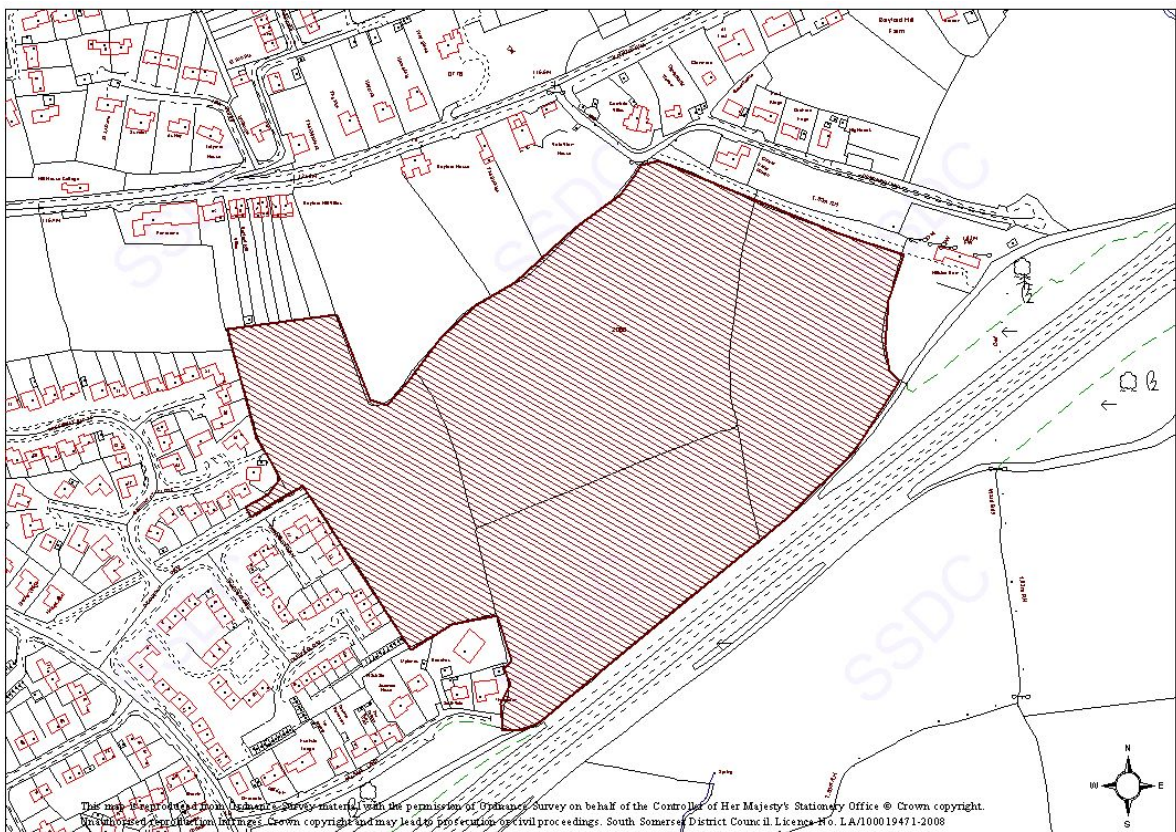
**Reason for Referral to Regulation Committee**

At its meeting of 2<sup>nd</sup> September 2008 the Area East Committee resolved to refer the application to the Regulation Committee with a recommendation that the application be refused on the grounds that the full S106 planning obligations have not been proposed and secured. Area East also requested that Counsel's opinion on the level of S106 contributions be sought.

This report includes the original report to the Area East Committee followed by the minute and the resolution of Members of the Committee, Appendix 1.

Counsel's opinion has been sought and received since the meeting of Area East as requested and is circulated to Members as a separate confidential item, Appendix 2.

**Site Description and Proposal**



The site is located on the eastern edge of Wincanton on a site of approx 7.3 hectares which is roughly rectangular in shape and which is the same site for which a resolution to grant permission subject to a S106 agreement was agreed in September 2006. The S106 has not been entered into and the site subsequently sold. This scheme is for the same scale of development of similar density but the layout has been modified to accommodate the site levels, which is steep in places on the site. The area to the east side of the site remains an open space as previously and similar footpath links are proposed to Devenish Lane and Bayford Hill. There is a previous extant planning permission granted on appeal for 119 dwellings on this site, and an adjoining site now in separate ownership.

The site is made up of three fields and is generally sloping towards the A303 which forms the southern boundary. The southern boundary is protected from the A303 by a broad band of tree planting. Existing residential estate development lies to the west with more loosely scattered dwellings along both the northern boundary to Bayford Hill and to the north east and east along Devenish Lane. The whole site lies within the defined development limits of the town and thus the principle of residential development is accepted.

The current proposal is for 212 dwellings and is almost identical in nature to that previously before the committee. The current application is supported by a range of documents including:

- Transport assessment
- Air Quality Assessment
- Ecological Survey and reptile mitigation strategy
- Noise Assessment
- Design and Access Statement
- Sustainability Statement
- Waste Management plan
- Flood risk assessment (including foul and surface water drainage)

A draft S106 to cover the matters previously identified as necessary for a S106 has been submitted alongside this current application and is with the Legal Department.

The scheme proposes vehicular access from Deanesly Way with footpath/cycleway links through adjacent land on the west to link to Bayford Hill and to the north east corner onto Devenish Lane. This will also serve as a secondary means of access for emergency vehicles only. A significant proportion of the site along the eastern boundary proposed for public open space with formal play area designated to the southern end of this open space. A linear corridor of open space is also proposed along the northern boundary in part which links into the eastern area of open space to provide a linear corridor of planting. Additional buffer and woodland planting is also proposed along the A303 boundary and around the open space areas with tree planting within gardens and along street frontages within the proposed scheme.

## History

There is a long history of development on this site and, given the importance of this history, this is set out in some detail below: -

Site allocated in the Wincanton Local Plan, adopted 1987, for residential development.

Outline planning permission refused by committee in 1990 and 1993 but was subsequently allowed on appeal with conditions in November 1993. This outline was renewed in 1996.

00/02980/FUL - Erection of 159 dwellings and formation of access from Deanesly Way and Bayford Hill together with Public open space and infrastructure Withdrawn.

01/00165/OUT - Variation of Condition 2 of the approved outline to allow submission of reserved matters within 5 years. Granted.

01/01070/REM - 119 dwellings conditionally granted in October 2001. It should be noted that this permission covers the area excluded from the current proposal and it is under this permission that the part of the larger scheme which fronts Bayford Hill is intended to be constructed. This is also the area referred to as the most highly sensitive in design terms by the appeal Inspector.

01/02908/OUT - Variation of Condition 03 of the 1996 outline to extend the time allowed for implementation. Granted

04/02595/FUL - Erection of 253 dwellings and associated infrastructure. Refused 2005. This application was refused by Committee with the reasons of refusal principally related to the top part of the site and the visual impact of the proposals in the views across Blackmore Vale. An appeal against this refusal was subsequently lodged but later withdrawn. This application related to the larger site area including land along the Bayford Hill frontage.

05/02845/FUL - Erection of 212 dwellings submitted but withdrawn in March this year to allow for further technical reports to be submitted. This application omitted that part of the site where previous concerns over visual impact had been raised.

06/01621/FUL - Erection of 212 dwellings, resolution to Grant September 2006, subject to referral to Secretary of State and S106. The Secretary of State did not call-in the application but S106 not entered into and site was subsequently sold.

Current application submitted based on this application and the previous resolution.

## **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

Regional Spatial Strategy:

Somerset and Exmoor National Park Joint Structure Plan

South Somerset Local Plan (Adopted April 2006)

Regional Spatial Strategy

Policy Vis 1 - Expressing the Vision

Policy Vis 2 - Principles for Future Development

Policy SS2 - Regional Development Strategy

Policy SS6 - Other Designated Centres for Growth

Policy SS19 - Rural Areas

Policy EN1 - Landscape and Biodiversity  
Policy EN2 - Air Quality  
Policy EN4 - Quality in the Built Environment  
Policy EN5 - Health, Education, Safety and other Social Infrastructure  
Policy HO3 - Affordable Housing  
Policy HO6 - Mix of Housing Types and Densities  
Policy TRAN1 - Reducing the Need to Travel  
Policy TRAN7 - The Rural Areas  
Policy RE2 - Flood Risk

Somerset and Exmoor National Park Joint Structure Plan Review 1991- 2011

This document was adopted in April 2000 and thus predates the inclusion of the RSS as part of the Development Plan Documents and recent Government Guidance. The following policies however, remain relevant for this application.

STR1 - Sustainable Development  
STR2 - Towns  
STR4 - Development in Towns  
Policy 1 - Nature Conservation  
Policy 5 - Landscape Character  
Policy 11 - Areas of high Archaeological Potential  
Policy 35 - Affordable Housing  
Policy 42 - Walking  
Policy 44 - Cycling  
Policy 48 - Access and Parking  
Policy 49 - Highways

South Somerset Local Plan

It should be noted that this site at Deanesly Way is not allocated within the Local Plan because at the time of adoption of the plan the site has an extant permission for 119 dwellings and thus no formal allocation is required.

The following policies are considered to be relevant for this application.

ST5 - General Principles of Development  
ST6 - Quality of Development  
ST7 - Quality of Public Open Space  
ST8 - Sustainable Construction  
ST9 - Crime Prevention  
ST10 - Planning Obligations  
EH12 - Areas of high Archaeological Importance  
EP1 - Noise Sensitive Development  
EP3 - Light Pollution  
EU4 - Water Services  
TP1 - New Development and Pedestrian Provision  
TP4 - Design of Residential Roads  
TP5 - Public Transport  
TP7 - Parking  
HG1 - Provision of new Housing Development  
HG4 - Housing Densities  
HG7 - Affordable Housing  
CR2 - Provision of Outdoor Play and Amenity Space  
CR4 - Amenity Open Space

National Planning Policy



The following Central Government Policy Documents are also considered to be relevant to this application;

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPG13 - Transport  
PPG16 - Planning and Archaeology  
PPS25 - Development and Flood Risk

## **Consultations**

### Highways Agency

This application involves the building of 212 dwellings which will be accessed via Deanesly Way and will connect to the neighbouring development, which already serves Greenway Close and Dukes Close. These side roads currently provide access to approximately 90 dwellings. With the attached data and information supplied by the client within the planning application documents, the Highway Agency has the following comments which are explained in more details within the attached technical note.

Within the Transport Assessment (TA) the impact of the development on the A303 has been assessed to 2011 and not 2018 (10 years after submission of the application). Para 8.21 of the TA states that - during consultation with the Highways Agency, this (i.e.2011) is stated acceptable, however, it is felt that evidence of this will need to be supplied to confirm.

The impact on the SRN (A303) is expected to be minimal but the highways Agency would like to see evidence that this is the case with junction analysis on the A303/A371 junction to the southwest of the site.

It is concluded that the proposed development will have a minimal impact on the strategic road network. However, it is recommended that the TA is updated to reflect current recommendations on year of assessment (2018). As stated in previous correspondence with PFA Consulting the Highway Agency is satisfied with the proposals and has no further comments.

Summary (Technical Note) - offers no objection but it is recommended that the Transport Assessment is updated prior to any grant of planning permission, to reflect current recommendations on year of assessment (2018). This is requested to ensure that the operation of the Strategic Highway Network is protected and that the most up to date assessment data is used to analyse the impact of the site as to give a true reflection of the impact on the SRN (A303).

Additional comments received 8th July - further technical data now received and the information provided is sufficient to address the issues raised in my earlier letter and the Transport Assessment is now considered satisfactory.

County Highway Authority - As you are aware this site was connected with the application which is before you for consideration, namely the Bayford Hill site and whilst the original outline application considered a number of matters these have now had to be split between the two now separate sites. (NB Bayford Hill scheme refused)

I have spoken to your colleague regarding the provision of the footway improvements and zebra crossing in Bayford Hill and consider that these improvements are still very relevant to this application as it will form the sustainable and accessible route to the town centre for pedestrian traffic. I am able to now confirm that I have had discussions with

the applicant's transport consultant and reached agreement with him (notwithstanding any referral back from the applicant) to a financial contribution towards the provision of the zebra crossing and associated footway works in Bayford Hill as it would be inequitable to tie this development with the timescales of the adjoining development in Bayford Hill. The figure tabled is £20,000.

There are also important matters to be considered in respect of the residential travel plan which should have accompanied the application and there will need to be a further dialogue on these matters but this can be covered by a normal residential travel plan condition. The travel plan should be submitted and approved prior to the commencement of the development and the contributions towards the travel plan vouchers for bus tickets should become operational on the 1st occupation. Also in respect of this timescale i.e. 1st occupation of the first dwelling, the footway/footpath improvement works and the provisions thereof between the site and Common Road should be completed.

With regard to the S106 agreement, the cycleway/footpath provision to the boundary of the Bayford Hill site at the northwest corner of this application site from Deanesly Way should be completed upon the occupation of the 20th dwelling. Indeed, the provision of all the off-site highway improvement works in Common Road and the Bayford junction should be completed and be of tangible benefit to the occupiers of those 20 properties.

In addition, the S106 agreement which was originally negotiated is still required for the improvements to Common Road and its junction with High Street and Bayford Hill and these matters have again been discussed with the applicant's transport consultants and instructions are being progressed. I am given to understand that these are separate agreements and you will be entering into your own S106 agreements to cover such matters as affordable housing and open spaces. There is scope for a tree to be included within the highway adjoining plot 36 and it would be hoped that your council will accept maintenance of this tree along with other amenity areas within the estate.

As you know there are also matters which will need to be resolved in respect of the footpaths and cycleways throughout the site as we have previously discussed during meetings at your offices both with you and my S38 colleagues and these discussions are continuing and will form the basis of any S38 agreement.

The applicant's transport consultants appreciate the requirements of the aims for the sustainability of the site and the links to the wider community and this will be reflected in the adoption plans for the roads and footways/cycleways within the site where the necessary gradients will be carefully examined to ensure that the site is fully sustainable and provides links for the residents to ensure access to all modes of travel.

On some more general points in respect of the development, but of no less importance, the footpath/cycleway link from the north western corner of the site where it abuts the Bayford Hill site through to Devenish Lane requires some additional amendment and revision to the layout to ensure appropriate and adoptable standards in terms of gradients - this is equally so throughout the development - combined links of 3m width can be accepted over some of these areas depending on their location and whether they will be heavily trafficked. One area of concern will be the treatment of the junction of the footway/cycleway with Devenish Lane.

The Highway Authority do not see any benefit in adopting the north/south footpath link through the estate as this will contain steps and would need to be lit and have handrails - there are sufficient adopted links throughout the estate to accommodate a pedestrian route. We would wish this link to remain as the definitive footpath link and be surfaced as an informal amenity route. Incidentally, there was a proposal to establish an east west

link at the south of the site adjoining the existing road bund; the Highway Authority do not see any benefit in this and would prefer to take a more manageable route on road. To this end, a footway will need to be taken through the shared surface street at the southernmost part of the site to accommodate this and form a comprehensive footway/cycleway link. There would be benefit in providing a link through to the amenity area between plots 122 and 123. Generally it should be noted that the gradients for highways should be 1 in 12 and 1 in 20 for cycleways.

Some parking spaces in front of garages are only 5m and these will need to be amended to be at least 6m with up and over doors or as a minimum 5.5m with rollers shutters. In respect of the carriageway geometry, there will need to be widening on bends to allow for a carriageway width of 6m.

There will be a need for the Highway Authority to enter into a S106 Agreement to ensure that the highway works required in Common Road, Bayford Hill and the junction of same and inclusion of the financial contribution towards the zebra crossing and associated footway improvements in Bayford Hill are safeguarded. This will likely necessitate the inclusion of a S278 agreement within the S106. Any additional areas of new highway can be included within the main S38 adoption agreement for the estate.

In the event of permission being granted I would recommend conditions covering footpaths, access, details of junction of footpath with Devenish Lane, garages, estate roads, footpaths/cycleways, street lighting, travel plan, parking.

County Archaeology – This application lies on the site of a deserted settlement recorded on the County Sites and Monuments Record as PRN 54702. Earlier investigations by a local archaeological society have observed possible medieval house platforms on the site. Therefore, the application affects an area which has high potential for remains of county importance. At present insufficient information exists concerning the preservation, extent and character of these remains. Therefore, archaeological evaluation should take place on the site in order to assess these remains and to formulate an appropriate mitigation strategy.

I have been in contact with Phil Evan AC Archaeology (who is acting on behalf of Wimpey Homes) and agreed an initial phase of this evaluation comprising of a Desk Based Assessment followed by geophysical survey. The results of this first phase will be used to design a trial trench strategy to fully assess the remains.

For this reason I recommend that the application not be determined until the results of this trial trenching have been reported and mitigation strategy agreed.

County Education Officer – Since writing to you in July 2006 in relation to the previous application there have been few material changes in circumstances that would alter the education-relation requirements of the County Council. The only major changes are increases in the DCSF Basic Need Cost Multipliers in January this year. The education contributions in relation to this later application will now be calculated as follows:

Total 212 dwellings proposed; 104 previously discounted because of the earlier consent therefore 108 additional dwellings now proposed.

108/150 x 30 places = 22 primary places required @ £11,521 each = £253,462 or £2,347 per additional dwelling

108/100 x 6 places = pre-school places @ £11,521 each = £69,126 or £640 per additional dwelling

These sums have been incorporated into the draft agreement.

I understand that the applicants may wish to raise the possibility of further discounting the social rented element of this scheme. Although I have had no direct contact yet, I am reluctant to agree this for several reasons: nothing has been forthcoming that I am aware of to clearly indicate that the scheme would otherwise be unviable if the social rented element were included in the calculation; the County Council has already conceded that almost half of the total number of dwellings be discounted notwithstanding that it would still have a commitment to accommodate additional pupils from that number. One could take the view that the social rented element is included within the earlier total of 104 dwellings. It has previously been agreed elsewhere that there is not necessarily a direct correlation between people on the SSDC housing waiting list and whether an individual is already living in the immediate locality of a particular development.

Environment Agency - Comments below are based on the amended Flood Risk Assessment (Report No. ES0826/FRA/Rev. A, dated 12/06/08) and the supporting 'Drainage Strategy' plan (Drawing No. 0255 301-01, dated June 08). We understand these documents have also been forwarded to you in support of the application. Providing that you have received the documents in support of this application we can withdraw our objection, subject to the following conditions and informatives being included in any permission granted.

Flood Risk / Surface Water Drainage - We can confirm that the strategy for the management of surface water at the site of the proposed development is acceptable. The Flood Risk Assessment (FRA) confirms that the intention is to discharge surface water to an adopted sewer in Balsam Road, although part of the site will drain to the existing storm sewer near to the A303 (point 'A' on the Drainage Strategy plan). It also confirms that the scheme design will ensure that surface water discharge from the site will be restricted to the existing 'greenfield run-off' rate, with sufficient storage provided to attenuate the 1% annual probability storm event, including an allowance for climate change.

Paragraph 4.8 of the FRA describes how 'exceedence' events will be managed. It is most important that the final scheme design ensure that there is little or no residual risk of property flooding, both within the site and to neighbouring properties. Given the topography of the site we anticipate a high level of detail will be required, to include road levels/kerb heights, finished floor levels etc., to demonstrate an effective design for managing storm event exceedence.

Condition recommended to cover surface water run-off, overland flood flow rates for storm water, water efficiency, adequate sewer infrastructure, CEMP, oil and chemical storage and informatives re other surface water drainage systems, pollution

Wessex Water – No objection raised. Various comments made which are covered by informatives on SUDs and existing infrastructure on the site.

SSDC Technical Services

Needs submission of a detailed flood risk assessment. The one submitted is just an outline of the principles a full analysis of possible impact downstream is necessary. Drainage details to be submitted for approval (sent prior to additional information being submitted).

SSDC Ecologist - verbal comments reptile mitigation appropriate in principle, some attention to details needed, covered by landscape officer comments

SSDC Housing Officer - none received



SSDC Landscape Architect

I have reviewed the latest 28th July drawings this morning, they do not address the concerns previously raised. I have spoken to the Council's ecologist re the reptile habitat works and there would appear to be no issue preventing

- i) the reorientation of the woodland planting to the northwest corner of the main POS area (as per the outline masterplan)
- ii) planting within the rough grassland areas within the housing site

I would seek these two amendments to the landscaping scheme. Other comments remain.

Previous comments:- I have reviewed the recently amended drawings for the above scheme. I have also revisited the original development brief submitted with the outline application which was accepted at the time as setting a suitable framework for development. From this brief I note:

- a) the majority of the development is two storey in height
- b) planting mitigation is intended to counter visual impacts
- c) development will overlook the open space

The concept also clearly indicates a break in the development mass towards the head of the site (towards Bayford Hill/Devenish Lane) through open space and planting provision, and notates the housing at the head to be a small group of dwellings in landscape setting. This is reinforced by the characterisation plan which clearly states a well planted lower density development arrangement across the higher slopes. Street section reinforce this intention.

The revised urban design proposals before us do not appear to adhere to the brief, particularly in relation to the head of the site (north east corner) but have come forward with a proposal that is higher density; with taller structures, thus intensified massing and a landscape structure that has lost some of the coherence of the outline. Hence I continue to have concerns over the layout before us and cannot support it.

With reference to the specific landscape proposals these are better though would still benefit from some fine tuning namely:

- 1) public open space omit alnus and sorbus from the woodland mix and include acer campestre and prunus avium (or malus sylvestris) and ;
- 2) land inside the reptile exclusion fence appears to be rough grassland and appears to have excluded further scope for the planting that would benefit this site. I need to gain further advice on the reptile habitat needs as I am not convinced that the balance is correct.
- 3) spread tree planting across whole of open space to fore of plots 123-127.

Open Space Officer –

Comments on the above application are as follows:

Eastern Area of Land Drawing No 301 - I have been informed that the main area of Open Space (Eastern) needs to be managed for slow worms. This means long grass, thorny thickets, compost and log piles. As this severely limits the use of this land it does not meet the criteria of Open Space and should not be designated as such. The application does not therefore meet the criteria of policy CR2 and is deficient in usable Open Space.

In detail: The barbed wire to the north needs to be removed and replaced with black powder coated bow top fencing. What is happening to the gate at the north-eastern corner? How long will the reptile fence be in place it is not very stable or sturdy.

Drawing No 303 (Northern Section) Can the hedge along the north-western boundary be transferred to the properties. What is the purpose of the bulb planted area?

Drawing No 305 (South Western Section) Fencing is needed around the ditch. A new kissing gate is needed on the footpath to enter the site.

#### General Planting Comments

Some of the tree species to be planted need changing to more street friendly varieties ie Fraxinus Excelsion, Gleditsia Sunburst, Prunus and Sorbus species.

SSDC Leisure and Recreation Officer (Leisure Facilities) – My recommendations are below:-

Local Plan Policy CR2 currently supports the requirement for outdoor playing space of between 2.4 – 2.8 ha per 1000 population. There are 212 dwellings proposed in this development. I have assumed that all dwellings are 2 bed or larger and are therefore all applicable to Policy CR2. Based on the average population of 2.32 people per dwelling the apparent 212 dwellings that are applicable to Policy CR2 will result in an expected population of 492 people. CR2 sets out that development of this size generates a need of 0.1002 – 0.1114ha of space for youth and adult use.

#### Playing Pitch Requirements

Based on CR2 we would expect 0.6905 ha of playing pitches (an area a little larger than a full sized football pitch) to be provided to meet the demand generated by this development. SSDC playing pitch strategy 2002 supports the requirement to enhance playing pitch capacity in Wincanton. The proposed new development would generate additional demand for pitches and therefore it is recommended that an off-site contribution is sought towards the enhancement of existing pitch provision (at Moor Lane) in line with Policy CR3.

I have calculated the value of the capital and 10 year commuted sum contribution (based on current pitch/pavilion development costs provided by Sport England) required from the developer as: £290 per person or £673 per dwelling based on 2.32 per dwelling. Approximately 57% of these costs relate to pitch development with 43% related to future pitch maintenance costs. It is anticipated that these contributions will be used to enhance playing pitch capacity at Wincanton Sports Ground. The Trust responsible for this site have previously confirmed to me the need to enhance capacity at their ground. I have not identified a need to seek contributions towards ancillary facilities (such as changing rooms) in this instance on the assumption that any contributions secured will be used at Wincanton Sports Ground. The total playing pitch contributions required from this development is therefore £142,676.

#### Strategic Community Facilities

Policy ST10 supports the lpa in seeking obligations to secure or contribute to the provision of community facilities to meet the demand directly stemming from a new development. Sport England has developed a sports facility calculator (SFC) to help estimate the amount of key community sports facilities required to meet the needs of the local population in a new development. It uses information on facility participation and applies these to the actual population profile of the area. This ensures that the calculation is sensitive to the needs of the people who actually live there. The SFC then turns this estimation of demand into actual facilities. For swimming pools it uses sq m of water, lanes and 25m x 4 lane pools. For halls, it uses the number of badminton courts and four court halls. It is important to remember that the SFC looks at demand for

facilities and does not take into account any existing shortage of facilities. The SFC gives a target total for the number of facilities that are needed to meet a population's sports facility needs. This is based on the local population, national participation rates and the national average for facility usage. Based on the SFC, the following off-site needs have been calculated (including fees):

Swimming Pools -£22,340  
Sports Halls - £44,165

Our draft and sports and recreation facilities assessment supports the need to improve accessibility and the standard of swimming provision within area East. The strategy also identifies the need to improve the accessibility of the sports halls and fitness facilities in the Wincanton catchment. It is therefore recommended that these contributions be used to enhance the capacity of Wincanton Sports Centre. The total off-site contribution to strategic facilities requested £66,515.

SSDC Leisure and Recreation Officer (Youth Provision)

Local Plan Policy CR2 currently supports the requirement for outdoor playing space of between 2.4 – 2.8 ha per 1000 population. There are 212 dwellings proposed in this development. I have assumed that all dwellings are 2 bed or larger and are therefore all applicable to Policy CR2. Based on the average population of 2.32 people per dwelling the apparent 212 dwellings that are applicable to Policy CR2 will result in an expected population of 492 people. This would consequently generate the need for between 1.18 – 1.38ha of outdoor playing space provision from this development. It is important to point out this is different to general open space or strategic landscaping that maybe provided for other purposes.

Youth and Adult Use – Minimum 0.8853 ha – Maximum 0.9837 ha

Outdoor Equipped playgrounds – Minimum 0.0984 ha – max 0.1476 ha

Casual or informal playspace – min 0.1967 ha – max 0.2459 ha

Outdoor equipped playground requirements

Given the above figures for outdoor equipped playgrounds I recommend that a NEAP is required on this development to ensure adequate provision is made to fulfil the expected needs generated by the population of this many dwellings. The build cost for a large NEAP would be £131,000 and this does not include cost for land and a further commuted sum in the region of £79,500 towards the future maintenance of the play area over a 10 year period. The design of the NEAP must also adhere with SSDC's adopted play policy.

Facilities for Young People

The table indicates that there is a requirement for Youth and Adult provision and thus provision needs to be made within the development to meet the needs of young people. I am therefore recommending that 1 floodlit 40m x 20m MUGA is provided for free access all year round for 5 a side football and basketball provision. I also recommend a youth shelter is provided directly associated with the ball court to provide young people with a casual meeting place. If the topography of the site means it would not be suitable to provide this on site, then off-site provision should be achieved under CR3.

The current plans and proposals do not show the provision of any equipped play or youth provision and consequently the application in its current form must be considered unacceptable, as it does not fulfil the minimum requirements of CR2.

## Wincanton Town Council

No permission should be given until the following issues have been addressed

- the single access/exit to the site will cause tremendous traffic problems in adjacent residential areas
- pollution - air from adjacent A303; sewage pollution from inadequate system (is there a pumped sewage pipe through the site); noise pollution from A303 - sound readings were taken at the quietest time of year and traffic studies are 4 years out of date.
- 3 storey dwellings and building materials are not in keeping with nearby dwellings
- density too high; local authority should use powers under PPS3 to reduce this
- insufficient employment in the town, with NO regular public transport to nearby conurbations
- public open space should be built into the body of the site and provide facilities for children
- potential for flooding on site
- the development will not provide a sustainable community

Further observations: None of the amendments address the Town Council's previously raised concerns. We therefore continue to recommend refusal on all the previously raised grounds.

## Stoke Trister and Bayford Parish Council (adjoining)

Correspondence received from a local resident which was put before the Parish Council regarding encroaching upon Devenish Lane. When this matter was brought to our attention by the local resident it was the first intimation that the parish council had of this application. In the past the Parish had been notified of planning applications for Deanesly Way as it will greatly affect residents of Bayford. It would be appreciated if the Parish is given the opportunity to comment on any further applications on the Deanesly Way site.

## Representations

27 letters of representation have been received which raise the follow issues:-

- Long running saga of applications on this site which local people simply do not support; there are much better areas to develop in Wincanton
- Loss of important green area
- Plans out of touch with what is needed in town
- Adults children and pets all enjoy using area which will be greatly missed as will natural habitats
- No different to previous schemes and equally objectionable
- Over development of the site and dwelling design out of keeping
- New houses have limited if any garden area
- Developers should revert to the existing plan for 119 dwellings
- Appears to encroach on 3 properties to the south west where previous boundary dispute was resolved
- Density still too high and well above what is acceptable for rural areas, will create an "urban jungle" and contains dwellings 3 storeys in height.
- Density unsuitable for edge of town location should have more open space for vegetation, recreation and views
- Not complying with PPS3 ideals as applicant "cherry picked" at the legislation (PPG3 quoted) to suit themselves
- Access roads inadequate to cope with additional traffic and will be a major cause of traffic congestion during construction and afterwards



- Site should have more than one access road serving it
- Common Road is already busy with traffic from side roads and many of the older houses do not have off road parking. Vehicles are often parked on both sides of the road causing congestion and there is a blind curve in the road.
- Already high levels of on street parking on roads leading to site many being sheltered accommodation so proposal hazardous to local residents
- Should have new access off High Street between Bayford and Common Road
- There is inadequate public transport serving the area exacerbating use of private cars
- There should be no access for construction or the development from Devenish Lane, path shown is too wide and prominent
- Height of dwellings too high especially at the top of the site so views over to Blackmoor Vale are obscured so roof should be lower
- Lack of adequate infrastructure in the town especially medical and school facilities
- Need more employment in the town and the proposed contributions are inadequate to provide such things
- Estate should include convenience shopping facilities
- Loss of view
- Loss of the remaining important area of open space leaving Wincanton starved of open space.
- Noise barriers along A303 are important and maybe new road surfacing in this area should be considered on A303
- Planting should be carried out as early as possible to assist wildlife protection
- Will increase noise and dust pollution and be a loss of privacy
- Soils prone to waterlogging and will result in run-off in heavy rain particularly close to A303
- Will be drainage problems for new dwellings and existing properties in Balsam Lane and Dukes Close
- Are there employment opportunities in town to match scale of development
- Noise report carried out at inappropriate time in 2006 and is an attempt to mislead authority (NB was revised in 2008)
- Proposal will result in more movement of vehicles for work when we are supposed to be addressing global warming issues
- Wincanton's infrastructure (doctor's, school, police, public car parks etc) do not have capacity to deal with a development of this size
- Local sewage system is inadequate
- Site floods
- Already enough properties on the market in Wincanton
- Opportunity should be taken to make houses more energy efficient
- Building materials are inappropriate
- Need to protect rights of way
- Will result in additional pedestrian movement along Balsam Lane
- Site should be used for agriculture for bio-energy crops
- This development is about profit for developers who don't live in the area
- Will lead to devaluation of properties
- Not sure who is responsible for maintaining ditches between site and existing properties
- Wincanton towns people have been consistently against this scheme and the planning system should recognise and support that view.
- S106 contributions inadequate to off set the things they need to provide for
- Scheme will leave Wincanton starved of space
- Old problems facing the town are beginning to return.

## Considerations

The principal issues for consideration of this application are as follows: -

- Policy
- Highways
- Affordable housing
- Education
- Flooding
- Noise and air pollution
- Archaeology

### Policy

The present application embraces all the land that formed the previous application before Committee in 2006 when it was resolved by the Regulation Committee to grant permission subject to no observation from the Secretary of State (under the then Greenfield Direction) and to the applicant entering into a S106 agreement. This has never been negotiated or signed under that application and the site has now been sold to the current applicants.

The current application is supported by a full range of technical documents in similar manner to the previous scheme. There are no outstanding issues in this respect. It has previously been accepted that an EIA is not required for the scheme. It has also been agreed that, given the extant permission for 119 dwellings on this site, all aspects of affordable housing, leisure and play space and contributions to education would only be based on the uplift of dwelling numbers from the extant 119 dwellings application.

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise. The starting point for the consideration of this application is therefore the relevant planning policies as set out above. These documents are all up to date and in accordance with national planning policy. The principle of residential development on this site has been established since 1987 with the original allocation within the Wincanton Local Plan. Wincanton is identified in the Local Plan as a location suitable for further growth and is one of the primary locations for new development. Development within Wincanton would accord with the principles of sustainable development set out within the Development Plan Documents and in PPS1. This site lies within the boundary of the town as set out in the Local Plan. The Greenfield Direction has now been cancelled and there is no longer the requirement to refer this application for such purposes.

The Local Plan recognises that the site has an extant planning permission for this site (and the land adjoining) for 119 dwellings. This earlier extant scheme does not make any provisions for off-site highways works, education contributions or towards provision of affordable housing. The current proposal offers the opportunity to seek contributions towards such matters but only on the uplift of dwelling numbers over and above the 119. The applicants have agreed the principle of such contributions. It should be made clear that the current scheme excludes the site for 15 dwellings along Bayford Hill which would still be developed under the original scheme for 119 and thus the actual increase in numbers is not from 119 to 212 but from 104 to 212 on this part of the site. The remainder of the original site is not in the applicant's ownership and has recently been subject to a separate planning application (08/01374/FUL) which has been refused.

The original scheme for the 119 dwellings (104 on this part of the site) would not meet current Government objectives on density standards given its low density for the size of

site, 20.4 dwellings per hectare (dph). The current proposal increases the density to within the Government's target of 30-50 dph, being 43.9 dph and thus is fully in line with the requirement for the efficient use of land as set out in PPS1 and PPG3 and in Local Plan policy HG3 where the Council seeks a minimum of 30 dph.

It should be noted that in considering the housing figures at the Local Plan Inquiry, a figure for the housing number to be developed at Deanesly Way site was initially set at 145 dwellings, as the site only had outline permission, with no specific number of dwellings identified. In addition, when looking more specifically at the Wincanton key site and the principles for housing development within the town, the Inspector acknowledged the fact that the Deanesly Way site had permission for development of 119 dwellings but raised, as part of his calculation of housing figures for the town, "the possibilities of the large Deanesly Way development being more intensively developed at PPG3 densities." In terms of the principle for this current development there is no conflict with national or local plan policies and, in light of the requirement to make the best and most efficient use of land, the increase in density for the current proposal is entirely consistent with Government advice for new housing development.

The design for the current scheme seeks to use the contours of the site more effectively than previous schemes whilst retaining the mixture of house styles and landscaping areas previously considered of utmost importance. The range of materials and the use of key buildings within the site to create an interesting roofscape and street scene, with on street tree planting, follows similar approaches to that adopted for the key sites throughout the district and provided the materials are carefully chosen the scheme should make a positive contribution to the town. The scheme has gone through several amendments both to the design and layout in reaching the current scheme and this is considered to be a considerable improvement over the extant permission for 119 dwellings particularly in regard to the relationship between the buildings and open spaces. It is considered that the applicants have designed a high quality scheme at an appropriate density within Government targets and are seeking to achieve a high quality environment in line with policy guidance.

#### Open Space and Sport Provision

Considerable emphasis has been placed on the provision of open space and planting, resulting in informal open space on the east side of the site with linear open space linking through to the adjoining Bayford Hill site. A LEAP is proposed within this open space at its southern end. Planting and the use of sensitive soft and hard landscaping throughout the scheme is very important and is conditioned. The open space will also provide additional wildlife habitat.

Whilst the comments of the open spaces officer are noted it is not agreed that the open space to the eastern side of the site cannot be called "open space" as it clearly fulfils the function of providing a recreation area although it is accepted that this will be less cultivated than normal. This is considered to be appropriate on this site given its location on the periphery of the town as it will act as a buffer to the countryside beyond.

On this application, the consultation with the Sports and Leisure team has also indicated a requirement for significant amounts of off-site provision/contributions towards sports and play provision and for the need to provide a NEAP and MUGA on the site. Given the history of the site and the ability of the applicant to commence development under the extant consent it is considered unreasonable to request such contributions on the current proposal, particularly given that they were not requested for the previous scheme for 212 dwellings.

## Highways

As can be seen from the consultation response received there has already been much discussion between the County Highways Authority and the transport consultants for this scheme and the principle previously agreed for the S106 accepted. A new zebra crossing is proposed together with the highways improvements previously sought in Common Road and the junction of Bayford Hill and Common Road. Footpath and cycleways have been incorporated within the site as previously agreed.

Wincanton is reasonably well served by bus travel to higher order settlements and rail travel is available from Castle Cary and Templecombe stations. The town is recognised as being a sustainable location for new development with a range of employment, facilities and services able to support its role as a market town within a large rural catchment area. The application sites within the development limits for the town and thus is considered to be a sustainable location. A travel plan will need to be provided and should be incorporated into the highways elements of the S106 which will assist in encouraging public transport use from the site.

## Affordable Housing

Policy HG7 of the adopted Local Plan seeks to achieve 35% affordable housing on suitable sites within the District. Although no comments have been received on this application from the Housing Officer, previously it has been agreed that 35% affordable housing would be provided on the uplift in housing numbers only over and above the extant planning permission and the applicant has agreed to this request. In terms of numbers, applying 35% to the uplift in dwelling numbers would result in a requirement under the policy of 36.4 units but the applicant has agreed to provide 38 affordable dwellings. These will be secured through S106. The proposal will therefore provide for an element of affordable housing within the town which would not otherwise be achieved with the building of the extant permission and no objection is thus raised to this element. The affordable housing is shown on the plans submitted and is pepperpotted throughout the site and includes both houses and apartments.

## Ecology

Ecological reports have been submitted as part of the proposal and an area set aside for slow worms which are known to inhabit the site. There are no overriding issues within the wildlife reports which would prevent development taking place providing the appropriate mitigation is included.

## Flooding

The issue of flooding has been raised at previous Committees. The application proposes use of a sustainable urban drainage system (SUDS) for the site which includes the provision of an underground drainage system in the south-west corner of the site. This has been discussed and designed in accordance with the requirements of the Environment Agency to ensure that the rates of discharge and run-off are satisfactorily accommodated. Culverts are also proposed under the estate roads to store the residual water which cannot be accommodated within the pond. Flow control devices will regulate discharge into the sewers. The Environment Agency raise no objections to the scheme as amended subject to the conditions recommended. The proposal has taken full account of the requirements of PPG25 and there is no objection to the proposal on this issue.

## Noise and Air Pollution

Assessments of air quality have been provided based on data given by the Highway Authority for traffic flows on the A303. This has resulted in a buffer of planting being included within the scheme to allow for future traffic growth and possible resultant increases in emissions. No objections from the relevant consultees have been received.



## Archaeology

The site has high archaeological potential for pre-historic and medieval finds and the County archaeologist has previously recommended further survey work which can be covered by condition. No objection is thus raised subject to a similar condition for the current proposal.

## Conclusion

The principle of residential development is already established on this site, having been established through the appeal process and subsequent decisions of this Council including the similar scheme for 212 dwellings on the site in 2006.

The scheme currently before the Council is virtually identical to the scheme of 2006 where planning permission was granted subject to the legal agreement, the main differences being the layout. Design and density issues are considered acceptable and are considered to offer a good quality environment, bringing much required affordable housing and meeting the requirements of the Government's objectives for the efficient use of land. The scheme is in line with density requirements set out by Government and the site is in a sustainable location and it is not therefore considered that these matters could be defended through appeal despite the level of local concern on such issues.

It must also be remembered that the extant permission would not provide the highway improvements, education contributions or affordable housing now proposed. Although the comments of the Highway Authority make reference to the fact that this site is now split from the adjoining Bayford Hill site, which has had a recent refusal of permission, it should be noted that the previous scheme which received permission in principle subject to S106 also excluded that part of the site from the development although it was at that time still in the same ownership. The requirement for a S106 to cover highway matters remains necessary.

Whilst the level of public opinion is acknowledged, under Section 38(6) decisions must be made in accordance with Development Plan policies where these are relevant and up to date. The proposal is considered to meet with the relevant policies and, given the limited issues previously raised as reasons for refusal, it is not considered that any refusal of the current scheme is warranted particularly given the previous resolution at Regulation Committee.

Decisions should be in line with the development plan and any contrary decisions must be referred to the Regulation Committee given the history of the site.

## **\*\* RECOMMENDATION**

That application no 08/02183/FUL be approved subject to:

- a) the prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following matters:
  - (i) Phasing of development
  - (ii) Off site highways works and matters raised in the Highway Officer response
  - (iii) Affordable Housing to provide 38 dwellings
  - (iv) Education contributions
  - (v) Open Space and landscape management plan

- b) the imposition of the planning conditions set out below on the grant of planning permission:

### **JUSTIFICATION**

The proposal accords with the function of Wincanton as a sustainable location for additional growth. There is no demonstrable harm to interests of acknowledged importance and the proposal thus complies with the aims and objectives of the Regional Spatial Strategy, Somerset and Exmoor National Park Joint Structure Plan Review, South Somerset Local Plan and with central government advice.

### **CONDITIONS:**

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. No works shall be carried out on the development hereby permitted unless a programme showing the phasing of the development has been submitted to and approved by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: The local planning authority wish to ensure that the scheme is completed in accordance with an agreed timescale for the development in order to minimise disturbance on the adjoining residential areas.

03. The scheme hereby granted permission shall not be carried out otherwise than in complete accordance with the submitted plans and specifications as amended and amplified by letters and plans received 20th June 2008, 14th July 2008 and 28th July 2008 and additional information in respect of the FRA submitted 18th June 2008.

Reason: In the interests of the amenities of the area and neighbouring residents and to ensure that a comprehensive scheme is achieved for this site.

04. No development shall be commenced on the development hereby permitted unless there has been first submitted to and approved in writing by the local planning authority precise details, including samples and sample panels, where required, for the materials to be used for the dwellings and boundary treatments hereby permitted. These details shall be in accordance with the general schedule of materials submitted with the application unless variation thereto is otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy ST6 of the South Somerset Local Plan

05. No development hereby permitted shall be commenced unless full details of the method of protection for the trees and hedgerows to be retained has been

submitted to and approved in writing by the local planning authority. Such protection shall accord with BS 5837.2005.

Reason: In the interests of the visual amenities of the area and in accordance with Policy ST5 and EC6 of the South Somerset Local Plan.

06. No development hereby permitted shall be commenced unless there has been submitted to and approved in writing by the local planning authority a scheme of management to provide management prescriptions for all of the landscape elements and open spaces identified on the landscape plans, drawings ref 301E, 302F, 303E, 304E and 305F and including works to the existing vegetation and landscape features, to ensure that the long term care and development of the site is consistent with the concept plans. The management plan shall include standard specifications that will apply to all landscape work. This shall include the initial maintenance during and to completion of the construction works and for a further 10 year period.

Reason: In the interests of the visual amenities of the area and to comply with Policy ST6 of the South Somerset Local Plan.

07. No part of the development hereby permitted including ground clearance works shall be commenced unless details of the proposed finished floor levels for all the dwellings, including full cross-sectional drawings, and any ground recontouring details have been submitted to and approved in writing by the local planning authority. Once approved the scheme shall be completed fully in accordance with such plans.

Reason: To ensure that the development is subject to minimum risk of flooding and does not adversely affect neighbouring properties in accordance with policies ST6 and EU5 of the South Somerset Local Plan

08. No part of the development hereby permitted shall be commenced unless details of a scheme for the provision of surface water run-off limitation, as detailed in the Flood Risk Assessment (Kevin Mitchell, Report No. ES0826/FRA/Rev. A, dated 12/06/08) and 'Drainage Strategy' plan (Drawing. No. 0255 301-01, dated June 08), has been submitted to and approved in writing by the local planning authority. This scheme shall include provision to ensure surface water from driveways is prevented from discharging onto the highway. The scheme shall subsequently be implemented in accordance with the approved details and timetable agreed and thereafter maintained at all times.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy EU5 of the South Somerset Local Plan

09. No development hereby permitted shall be commenced unless details of the safe overland flood flow routes for managing storm event exceedance (to include road and finished floor levels, kerb heights etc.), in accordance with the Flood Risk Assessment (Kevin Mitchell, Report No. ES0826/FRA/Rev. A, dated 12/06/08) and 'Drainage Strategy' plan (Drawing. No. 0255 301-01, dated June 08), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To ensure that the development, and neighbouring property, is subject to minimum risk of flooding in accordance with Policy EU5 of the South Somerset Local Plan

10. No part of the development hereby permitted shall be commenced unless a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

Reason: In the interests of sustainable development and prudent use of natural resources.

11. No development hereby permitted shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. For this purpose full details of the proposed connections and flows for foul sewerage shall be submitted to and approved in writing by the local planning authority prior to building construction work commencing. No dwellings hereby permitted shall be occupied until such infrastructure is in place.

Reason: To prevent pollution of the water environment in accordance with Policy EP9 of the South Somerset Local Plan

12. No development hereby permitted shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Policy EP9 of the South Somerset Local Plan

13. Any proposed oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Reason: To prevent pollution of the water environment in accordance with Policy EP9 of the South Somerset Local Plan

14. There shall be no burning of rubbish or materials on the site during the construction phase of the development

Reason: In the interests of the amenities of neighbouring properties and to safeguard the retained trees and hedgerows on the site.

15. No works shall be carried out on the site unless details of a construction methodology plan to cover proposed hours of site operation, provision of temporary construction vehicle parking and proposed routes for construction traffic have been submitted to and approved in writing by the local planning authority.

Reason: In order to minimise disturbance during construction for neighbouring residential areas



16. No part of the development hereby permitted shall be commenced unless full details of the noise mitigation bund proposed to the A303 boundary of the site has been submitted to and approved in writing by the local planning authority. Such works as approved shall be constructed prior to the occupation of any dwelling hereby approved and thereafter retained in such condition to ensure its effectiveness.

Reason: In the interest of the amenity of the occupiers of the dwellings.

17. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.

Reason: In the interests of highway safety and in accordance with Policy 49 of the Somerset and Exmoor National Plan Joint Structure Plan 1991-2011

18. No works shall commence on the site, including site clearance, unless the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work which involves field evaluation and further mitigation as required in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of the archaeological heritage of the County and in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan 1991-2011

19. The parking and turning areas and garages shown on the proposed plans shall be fully constructed and available for the parking of vehicles associated with individual properties prior to their first occupation. Garages shall not be used other than for the parking of vehicles or for domestic storage purposes only without the prior written consent of the local planning authority. Turning area shall be kept clear for the purpose of turning at all times.

Reason: To ensure adequate parking is available and in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan 1991-2011

20. 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: To ensure that each of the dwellings can be appropriately accessed in accordance with Policy TP4 of the South Somerset Local Plan.

21. No materials shall be brought onto the site unless full details of the proposed storage areas to be used for materials for each phase of development has been submitted to and approved in writing by the local planning authority. There shall be no open storage of materials other than in the locations agreed in writing at any time.

Reason: In the interests of the visual amenities of the area in accordance with Policy ST6 of the South Somerset Local Plan

22. There shall be no vehicular access permitted from Devenish Lane into the site (with the exception of emergency vehicles) at any time including during construction. Full details of the proposed bollards/means of closure at the junction of the footpath/cycleway with Devenish Lane shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of any dwelling. The bollards/means of closure shall thereafter maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan

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

Reason: In the interests of highway safety and in accordance with Policy 29 of the Somerset and Exmoor National Plan Joint Structure Plan 1991-2011

24. No development hereby permitted shall be commenced until a Residential Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making residential travel plans work: good practice guidelines' has been submitted to and approved in writing by The Local Planning Authority. Once agreed the travel plan shall be fully implemented.

Reason: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

25. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site from Deanesly Way in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan

26. This permission shall not be exercised in addition to the permission already granted on the land edged red (viz Application No. 931191 as renewed by 96/00958/OUT and reserved matters granted 01/01070/REM) and shall be treated as an alternative so that the developer may have the option of carrying out development in accordance with the present permission or the permission already granted, but not both. In the event of the development referred to in the permission already granted being substantially carried out on the land edged red, this permission shall forthwith lapse and be of no effect.

Reason: In the interest of the amenities of local residents and the character of the area and in accordance with Policy ST6 of the South Somerset Local Plan 2006.

27. No development hereby permitted shall be commenced unless full details of the proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys/bus shelters, 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, street furniture and tactile paving have been submitted to and approved in writing

by the Local Planning Authority in conjunction with the Highway Authority. 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 and in accordance with Policy 29 of the Somerset and Exmoor National Plan Joint Structure Plan 1991-2011

28. No works shall be carried out on the development hereby permitted ( including groundworks or clearance) unless full details of a scheme to avoid harm to the slow worms has been submitted to and approved in writing by the local planning authority following the principles set out in the submitted reptile mitigation strategy. Such details shall include :
- methods for the safe trapping and translocation of slow worms to an appropriate area of the site and providing protection to these areas from construction activities
  - methods for preventing slow worms from re-entering areas where they are likely to come to harm from construction activities
  - provision of information to all construction personnel about the scheme, including the nature conservation and legal implications

Reason: Slow Worms are a legally protected species under the Wildlife and Countryside Act and in accordance with Policy EC8 of the South Somerset Local Plan.

29. If the proposed works are not commenced within one year of the date of the latest wildlife survey, a further full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to and approved in writing by the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law.

Reason: Species protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994 are known to be present in the area.

**NOTES** (if any)

01. The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager at Somerset Highways, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil (0845 3459155). He will be able to advise upon and issue/provide the relevant licenses, necessary under the Highways Act 1980 (Section 184). Alternatively, these matter scan be dealt with by way of a S278 Agreement and further advice on this aspect can be given upon the grant of any planning permission.
02. Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.
03. 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 referring to our Pollution Prevention Guidelines, found at [www.environment-agency.gov.uk/business/444251/444731/ppg/](http://www.environment-agency.gov.uk/business/444251/444731/ppg/)

04. The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit <http://www.environment-agency.gov.uk/> > Subjects > Water Resources > How We Help To Save Water > Publications > Conserving Water in Buildings, for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website. The following may also be helpful – <http://www.savewatersavemoney.co.uk/>.

In addition the applicant should aim to comply with the Code for Sustainable Homes and achieve the highest number of stars possible, preferably six. The applicant is advised to visit [http://www.planningportal.gov.uk/uploads/code\\_for\\_sust\\_homes.pdf](http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf) for detailed advice on how to comply with the Code.

05. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

We have been reliant on the accuracy and completeness of the Flood Risk Assessment in undertaking our view, and can take no responsibility for incorrect data or interpretation made by the authors. It should be noted that we have no obligation to check the calculations submitted and assume that the designs have been checked through normal QA procedures and are in accordance with recognised design methods and best practices etc.

06. You are advised to ensure that inspection manholes be provided and clearly labelled on foul and surface water drainage systems so that discharges from individual premises can be inspected and sampled where necessary.

07. There is a strong likelihood that the site is used for nesting birds, due to the high availability of potential nesting sites. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. All of the following works could cause damage to nesting birds and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior search by a competent person has confirmed the absence of nesting birds ;
- removal or trimming of trees, shrubs or hedges
  - cutting or clearing of scrub, ivy, bramble or other dense vegetation

08. You are advised to ensure that adequate room is made available for the storage of wheelie bins to prevent these being placed on and causing an obstruction to pavements. This particularly applies to that part of the development comprising flats.
  09. You are reminded that a public foul sewer crosses the site and a diversion may be required. No building will be permitted within 3m of this sewer.
  10. You are reminded that a public surface water sewer crosses the site and a diversion may be required. No building will be permitted within 3m of this sewer. There is limited capacity available in the surface water system to serve the proposed development. Surface water should be attenuated to prevent downstream flood risk to property. Discharge rates will need to be agreed with Wessex Water/ Environment Agency as part of surface water drainage strategy on the site.
  11. The applicant is advised to investigate SuDS options for this site to minimise the volume and rate of flow of surface water run-off to the sewer and receiving watercourse
  12. Water supply - connection should be made to the existing system at two locations in order to ensure adequate security of supply. The primary point of connection will be provided from the supply main at Devenish Lane. Additional connection should be made from Common Road.
-