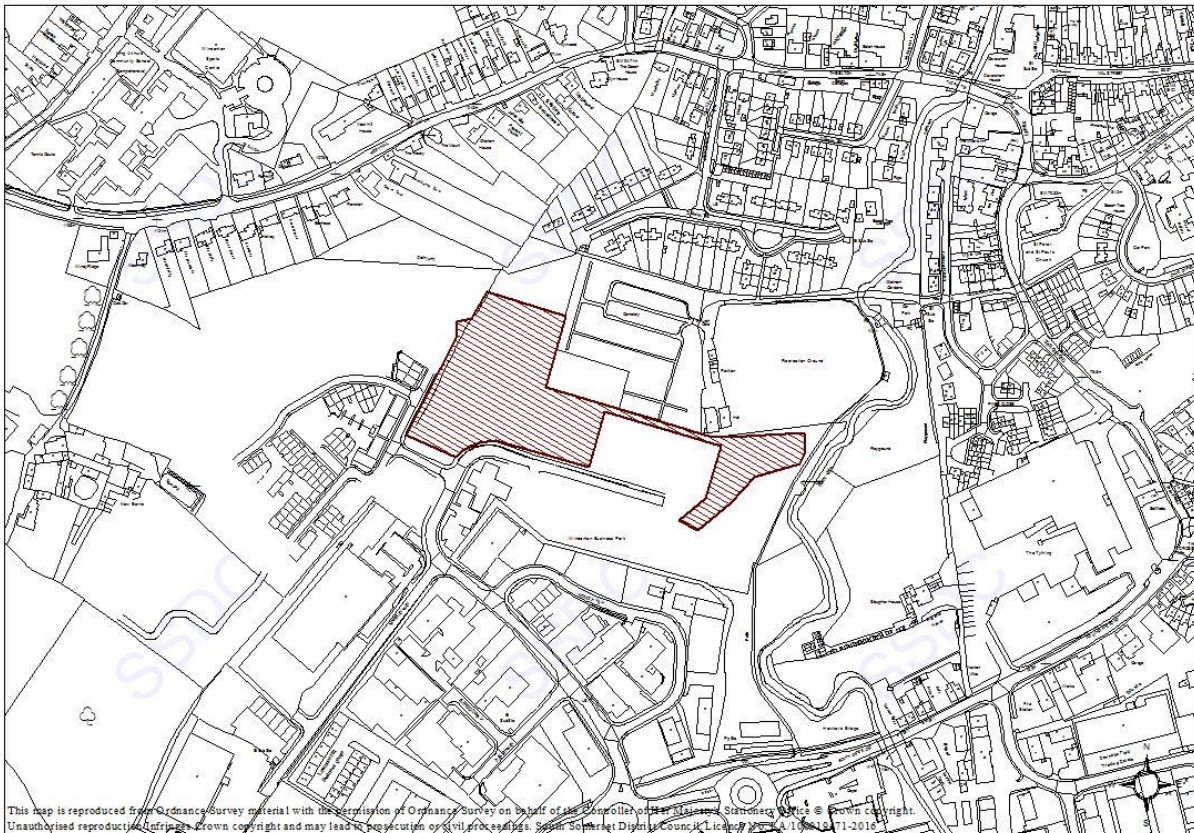


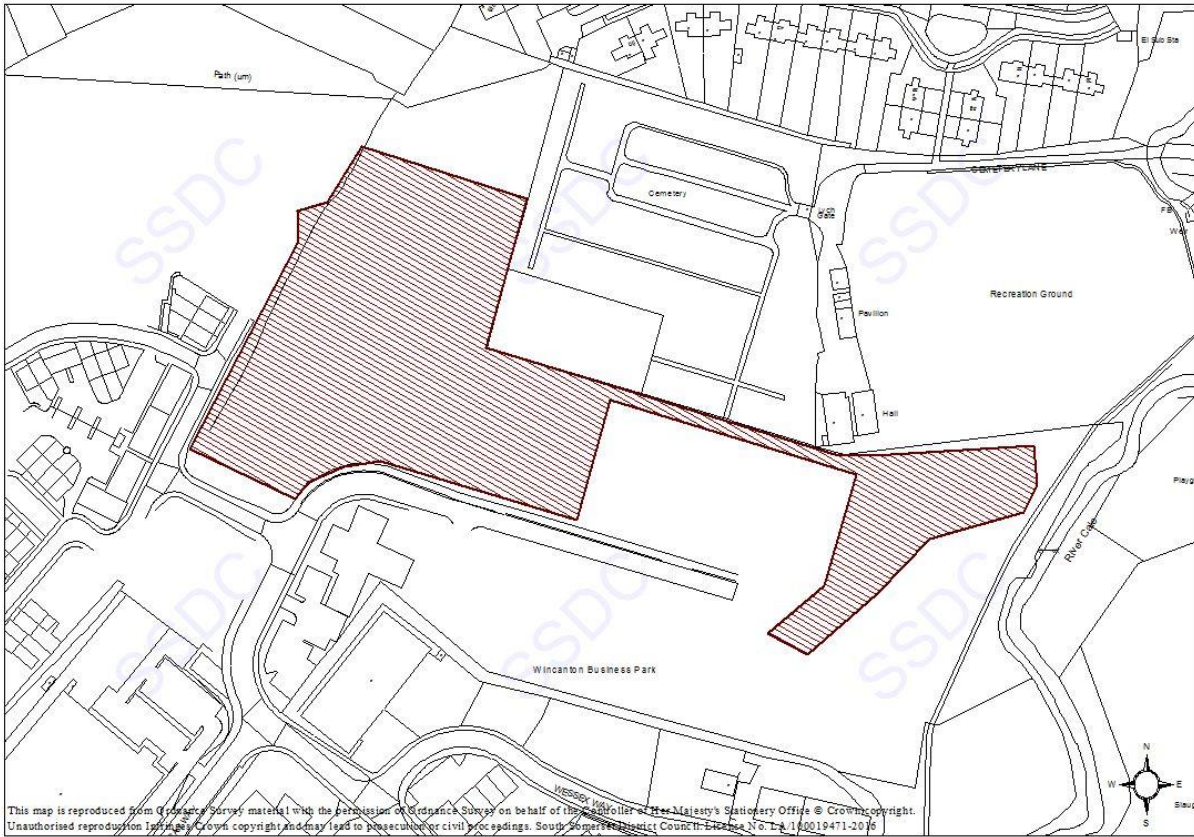
Officer Report On Planning Application: 16/01659/OUT

Proposal :	Outline application with some matters reserved for residential development, associated landscaping, cycleway and footpath links and new vehicular access
Site Address:	Land South Of Cemetery Cemetery Lane Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	18th July 2016
Applicant :	Miss Judith Gannon
Agent: (no agent if blank)	
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

The application is before the committee at the request of the ward members, and with the agreement of the area chair, to allow this major development with town-wide implications to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the residential development of land. All matters, with the exception of access are reserved for future consideration. The site consists of an area of open land laid to grass with some hedged and some open boundaries. The site is located within the development area as defined by the local plan. The site was master planned as a new primary school, and is subject to a legal agreement requiring it to be offered to the County Council for that purpose.

The site is close to various residential properties, including some still under construction, various commercial properties, and a cemetery.

The indicative layout plan shows the provision of a new vehicular access from the unclassified highway known as Dyke's Way. The access opens onto a new internal estate road serving 60 dwellings, in a mixture of flats and houses. The plan shows the provision of various pedestrian rights of way through the site, along with adopted road, private drives and parking courts.

HISTORY

05/00960/OUT - The provision of a mixed use development comprising residential, employment, education and community uses with approximately 250 no. dwellings - Application permitted with conditions 28/12/2006

POLICY

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

For the purposes of determining current applications the local planning authority considers that

the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy PMT4 - Wincanton Direction of Growth

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

CONSULTATIONS

Wincanton Town Council - Recommends approval.

County Highway Authority - Notes that the likely increase in traffic movements (35 movements in the morning and 37 in the afternoon) is not considered severe enough to warrant an objection on traffic impact grounds. They note several areas where the submitted travel plan could be improved and state that a travel plan will need to be secured through a legal agreement. They state that they are satisfied that the proposed junction arrangement is considered appropriate for the level of development. They note that the application is outline but offer several suggestions and comments as to the indicative internal layout of the scheme. They conclude that they raise no objections subject to a travel plan being included in a section 106 agreement and conditions to secure the following:

- A construction and environmental management plan
- Details of estate roads etc.
- That each dwelling is appropriately served by a footway and carriageway before occupation
- That the development is not brought into use before the service road is constructed
- A network of cycleway and footpath connections within the development site
- A drainage scheme
- Appropriate visibility splays

SSDC Ecologist - States that he agrees with the ecological assessment that the site is generally of low ecological value. He states that slow worms could potentially be present on site and notes the legislative framework for their protection. He suggests the use of a condition in this respect on any permission issued. He also recommends the use of a condition to secure biodiversity enhancements in accordance with the provisions of the NPPF.

SSDC Strategic Housing - Requests that 35% of the housing is affordable. Of the currently proposed 60 units they state that 14 should be for social rent and 7 for other intermediate affordable solutions. She states that the legal agreement should contain appropriate trigger

points to secure affordable housing in the event that the site is only partially built out. She provides minimum space standards for the affordable units. She provides details of 'Homefinder Somerset' and approved housing association partners.

SSDC Environmental Protection Unit - Recommends the use of conditions to secure a construction environmental management plan and in relation to contaminated land.

SSDC Planning Policy - Notes that the adopted local plan now forms the development plan for the district. She states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. She states that the NPPF is an important material consideration. She notes that the local plan identifies Wincanton as a Primary Market Town where a "permissive approach" should be taken for the consideration of housing proposals prior to the adoption of a Site Allocations Development. She notes that the site is on land allocated for a new primary school as part of a saved local plan policy and is consistent with the 'primary school site' identified on the illustrative masterplan referred to in the section 106 agreement accompanying planning permission 05/00960/OUT. She notes that South Somerset cannot currently demonstrate a five-year housing land supply and as such the proposal should be considered in the context of the presumption in favour of sustainable development (Policy SD1 of the local plan and paragraph 14 of the NPPF). She notes the three strands of sustainable development identified in the NPPF: economic, social, and environmental. She states that the development would deliver short term economic benefits through the construction phase, from an environmental perspective the site has no special designation, and from a social perspective the proposal will provide new housing, including affordable housing.

She notes that the LEA wish to expand the existing Wincanton Primary School into land owned by the applicant, which has detailed planning permission for 24 dwellings. She notes the intended release of the application site from the planning obligation to be a primary school in exchange for the applicant's land adjacent to the existing primary school. She states that the ability to extend the existing school site will contribute towards the provision of accessible local services which will support the well-being of the community as a whole. She goes on to say:

"Regarding the scale of development proposed, as at 31st March 2015, 533 dwellings were completed in Wincanton and there was planning permission for a further 270 dwellings giving a total of 803. The addition of a further 60 dwellings, and taking account of the loss of the 24 dwellings from the school extension site would take this figure up to 839, approximately 19% over the requirement of 703 dwellings.

I summary, whilst there is some inconsistency with KS/WINC/1 I am satisfied that this has already been accepted through planning permission 05/00960/OUT. Whilst the requirement of 703 dwellings in Policy SS5 will be exceeded if planning permission is granted, given the current lack of a five-year housing land supply and the requirement " To boost significantly the supply of housing" (NPPF, paragraph 47) I would conclude that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies of the Framework when taken as a whole nor are there any specific policies in the Framework that indicate development should be restricted or refused (Policy SD1 and NPPF, paragraph 14)."

Somerset Wildlife Trust - States the indicative layout is deficient in terms of wildlife-friendly features, including wildlife corridors and trees and planting schemes. They states that a Phase 2 Reptile survey doesn't appear to be available. They note that it is recommended that external lighting should be designed so as to minimise light pollution, but note that there are no other proposals for enhancement, such as bird boxes. They request that boundary fences are designed to allow the free movement of small mammals.

SSDC Climate Change Officer - Notes that indicatively 10 of the dwellings would have north facing gardens, which would be in the shade for the majority of the day and therefore objects to the application as currently presented.

SSDC Landscape Architect - States that there is no particular landscape issue given the established built context, and the relatively low elevation of the site relative to the main key site area. He notes that whilst this is an outline proposal, an indicative layout plan, and landscape strategy proposal have been submitted. He considers the proposal that the majority proportion of the housing immediately alongside the cemetery edge is designed as frontage, as is the road approaching the residential care home, to be correct. He has no major issues with the proposed landscape strategy but advises some minor changes are made before the reserved matters stage.

SSDC Community, Health and Leisure - Requests the following contributions towards the provision of outdoor playing space, sport and recreation facilities:

- Equipped play space £50,928 (local)
- Youth facilities £10,000 (local)
- Playing pitches £23,493 (local)
- Changing rooms ££47,697 (local)
- Theatre and art centres £18.533 (strategic)
- Commuted sums £53,714 (local)
- 1% Community, Health and Leisure Service administration fee £2,044

Overall level of planning obligation to be sought: £206,409 (£3,440 per dwelling)

Wessex Water - Notes the location of their apparatus within the vicinity of the site. They state that the development should be served by separate systems of drainage constructed to adoptable standards. They state that the foul sewer network and water supply network has adequate capacity for the changes in demand flow. They state that buildings above two storeys will require on site boosted storage. They note that the proposal will result in an increase in impermeable area and surface water run-off. They note that it is proposed to resize the attenuation pond accordingly.

SCC Lead Local Flood Authority - Notes that the development will result in an increase in impermeable areas that will generate an increase in surface water runoff. They state that this has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. They note the intention to increase the existing attenuation area and to discharge via the existing Wessex Water foul and surface sewers within the highway. However, they state that insufficient detailed designs or calculations have been provided thus far. They therefore have no objection to the scheme subject to a condition to secure detailed drainage information.

SCC Education - Initially requested a contribution of £168,084 towards the provision of primary school places. On the receipt of further information from the applicant they agreed that this figure should be off-set against the 24 dwellings that have planning permission, with no education contributions required, on the site adjacent to the school. They also requested the transfer of the land adjacent to the existing school along with a contribution of £109,963.

SCC Archaeology - No objections

REPRESENTATIONS

One letter of objection received from the occupier of a neighbouring property. Objections were raised on the following grounds:

- The proposed housing is not necessary
- The site is too permeable, particularly to the rear, which will result in noise and disturbance to existing residents and new residents.

CONSIDERATIONS

History and Principle of Development

The site is located with the development area of Wincanton, where the principle of residential development would normally be considered to be acceptable. However, as discussed above by the SSDC Policy Planner, the site is on land allocated for a new primary school as part of a saved local plan policy and is consistent with the 'primary school site' identified on the illustrative masterplan referred to in the section 106 agreement accompanying planning permission 05/00960/OUT.

It is noted that the LEA wish to expand the existing Wincanton Primary School into land owned by the applicant, which has detailed planning permission for 24 dwellings. The applicant has offered the land adjacent to the existing primary school to the county council in exchange for the release of the application site from the planning obligation to be a primary school. It is considered that the ability to extend the existing school site will contribute towards the provision of accessible local services which will support the well-being of the community as a whole.

Regarding the scale of development proposed, as at 31st March 2015, 533 dwellings were completed in Wincanton and there was planning permission for a further 270 dwellings giving a total of 803. The addition of a further 60 dwellings (as proposed), and taking account of the loss of the 24 dwellings from the school extension site, would take this figure up to 839, approximately 19% over the requirement of 703 dwellings outlined in policy SS5 for the scale of growth of Wincanton for the plan period.

Notwithstanding the 703 figure, the local plan identifies Wincanton as a Primary Market Town where a "permissive approach" should be taken for the consideration of housing proposals prior to the adoption of a Site Allocations Development.

Therefore, whilst the requirement of 703 dwellings in Policy SS5 will be exceeded if planning permission is granted, given the current lack of a five-year housing land supply and the requirement "To boost significantly the supply of housing" (NPPF, paragraph 47) it is considered that, in terms of the principle of development, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies of the Framework when taken as a whole; nor are there any specific policies in the Framework that indicate development should be restricted or refused in accordance with policy SD1 of the local plan and the NPPF (paragraph 14). The comments of a neighbouring occupier, suggesting that there is no need for the proposed housing, are noted but do not outweigh the above considerations.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network. They raised no objections to the scheme, subject to the imposition of various conditions on any permission issued and the securing of an appropriate travel plan through a section 106 agreement. There have been no concerns raised locally in this regard.

As such, any impact on highway safety is considered to be less than severe in accordance with the aims and objectives of the local plan and the NPPF.

Visual Amenity

The site is not located in a particularly sensitive location from a visual amenity point of view. The SSDC Landscape Architect was consulted as to the principle of development and the indicative layout. He stated that there is no particular landscape issue given the established built context, and the relatively low elevation of the site relative to the main key site area. He noted the indicative layout plan, and landscape strategy proposal that have been submitted. He noted that the majority proportion of the housing immediately alongside the cemetery edge is designed as frontage, as is the road approaching the residential care home, and stated that this is the correct approach. He states that there are no major issues with the proposed landscape strategy but advises some minor changes are made before the reserved matters stage.

As such, subject to appropriate detail at the reserved matters stage, it is considered that the proposed development would preserve the character of the area in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Due to the location of the site and the position of adjoining dwellings and commercial properties, it is considered that 60 dwellings could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers. A neighbour has raised a concern that the site is too permeable, particularly to the rear, which will result in noise and disturbance to existing residents and new residents. However, there is no reason to assume that the permeability of the site will have any significant impact on the amenity of adjoining residents. In any case, the layout is indicative only at this point, and any possible disturbance from proposed footpaths is more properly considered at the reserved matters stage.

Therefore, subject to a satisfactory detailed design at the reserved matters stage and notwithstanding local concern, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Ecology

The SSDC ecologist was consulted. He stated that he agrees with the ecological assessment that the site is generally of low ecological value, but noted that slow worms could potentially be present on site. He suggests the use of a condition in this respect on any permission issued. He also recommends the use of a condition to secure biodiversity enhancements in accordance with the provisions of the NPPF.

Flooding and Drainage

Wessex Water and Somerset County Council (as the Lead Local Flood Authority) were consulted as to the flooding and drainage impacts of the proposed development.

Neither raised any objections to the scheme, although SCC requested a condition is imposed on any permission issued to secure detailed drainage information.

Contributions

A contribution of £2801.40 per dwelling towards the provision of primary school places and a

contribution of £3,440.15 per dwelling towards outdoor playing space, sport, and recreation has been requested, in accordance with policies SS6 and HW1 of the South Somerset Local Plan. A further payment of £109,963 has been sought by Somerset County Council in relation to the transfer of the land adjacent to the existing primary school into their control. It has also been requested that 35% of the housing is affordable in accordance with policy HG3 of the South Somerset Local Plan.

The applicant has argued that the site is not viable if the full range of contributions and affordable housing are provided. As such, they submitted a viability assessment, which has been assessed by the District Valuer. The District Valuer does not agree with the applicant's assessment, stating that the site is viable with the requested contributions and the policy requirement for 35% of the dwellings to be affordable. It has not been possible to negotiate an agreed position in terms of the viability of the site. The applicant has stated that they are willing to transfer the site adjacent to the primary school to Somerset County Council, and to pay the £109,963 requested by SCC in relation to this land transfer. In exchange they expect the SCC to release the application site from the S.106 obligation requiring it to be made available as a primary school site. They have not agreed to the education contribution, the playing space, sport and recreation contribution, or the provision of 35% affordable housing. As such, the proposed development is contrary to policies SS6, HW1 and HG3 of the South Somerset Local Plan.

Conclusion

The proposed development is considered to be acceptable in principle, will have no adverse impact on the character of the area, and will cause no demonstrable harm to residential amenity or highway safety. However, the applicant has not agreed to pay contributions towards the provision of primary school places, or the provision of outdoor playing space, sport, and recreation. Furthermore they have not agreed to provide 35% of the housing as affordable. The scheme is therefore contrary to policies SS6, HW1, HG3 of the South Somerset Local Plan. It is noted that the proposal will provide a contribution towards the shortfall of housing land in the district, and the community benefit of enabling the County Council's preferred option for school expansion in the town. However, it is not considered that these social benefits can justify the setting aside of local plan policies relating to planning obligations. An approval on this basis would be contrary to section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF, which state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

RECOMMENDATION

Refuse for the following reason:

SUBJECT TO THE FOLLOWING:

01. No justification has been provided to demonstrate that it would be reasonable to set aside contributions towards mitigating the impact of the development on the provision of primary school places, the provision of outdoor playing space, sport, and recreation facilities, and the provision of affordable housing. Accordingly, in the absence of a mechanism to secure such contributions, the proposal is contrary to policies SS6, HW1, and HG3 of the South Somerset Local Plan and no material considerations have been identified that justify a departure from the development plan in this case.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.