

Officer Report On Planning Application: 15/03274/FUL

Proposal :	Development of 68 homes and associated car parking, public open space and infrastructure (GR:368732/135838)
Site Address:	Land Off Cuckoo Hill Bruton
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr Anna Groskop
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	23 October 2015
Applicant :	Acorn Property Group And Landhouse Bruton
Agent: (no agent if blank)	Mr Colin Danks Tyndall House Origin3 17 Whiteladies Road Clifton Bristol BS8 1PB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

BACKGROUND

This application was originally considered by the Committee in December 2015 when members resolved to approve the development subject to a section 106 agreement to deliver:-

- (i) Contributions towards offsite recreational infrastructure:
 - £9,167 towards enhancing the youth facility provision at Jubilee Park, Bruton.
 - £24,695 towards enhancing the playing pitch provision at Jubilee Park, Bruton.
 - £50,139 towards enhancing the changing room provision at Jubilee Park, Bruton.
 - £25,044 as a commuted sum towards the above local facilities
 - £32,355 towards enhancing the community hall provision in Bruton;
 - Monitoring fee of 1% - £1,414
- (ii) The provision of an on-site LEAP.
- (iii) At least 35% of the dwellings as affordable dwellings.
- (iv) the safeguarding of a footpath route to the southern boundary of the site, provision of up to £30,000 towards the cost of provision of such footpath
- (v) Travel Planning measures
- (vi) Off-site highways and footpath improvements, including a pelican crossing on the A359 any contribution necessarily to the full cost of applying for any Traffic Regulation Orders

Subsequently as the scheme was costed up by the applicant its viability came into question

and the applicant sought to renegotiate the detailed design of the houses, the specification of the LEAP and the package of planning obligations. Difficulties with the provision of the off-site footpath to the south have come up and this has been withdrawn from the scheme. The applicant now suggests that the existing footpath on the east side of Frome Road could be supplemented by an additional crossing to the south which would enable future residents to take advantage of any footpath provide across county council land to the south at a later stage.

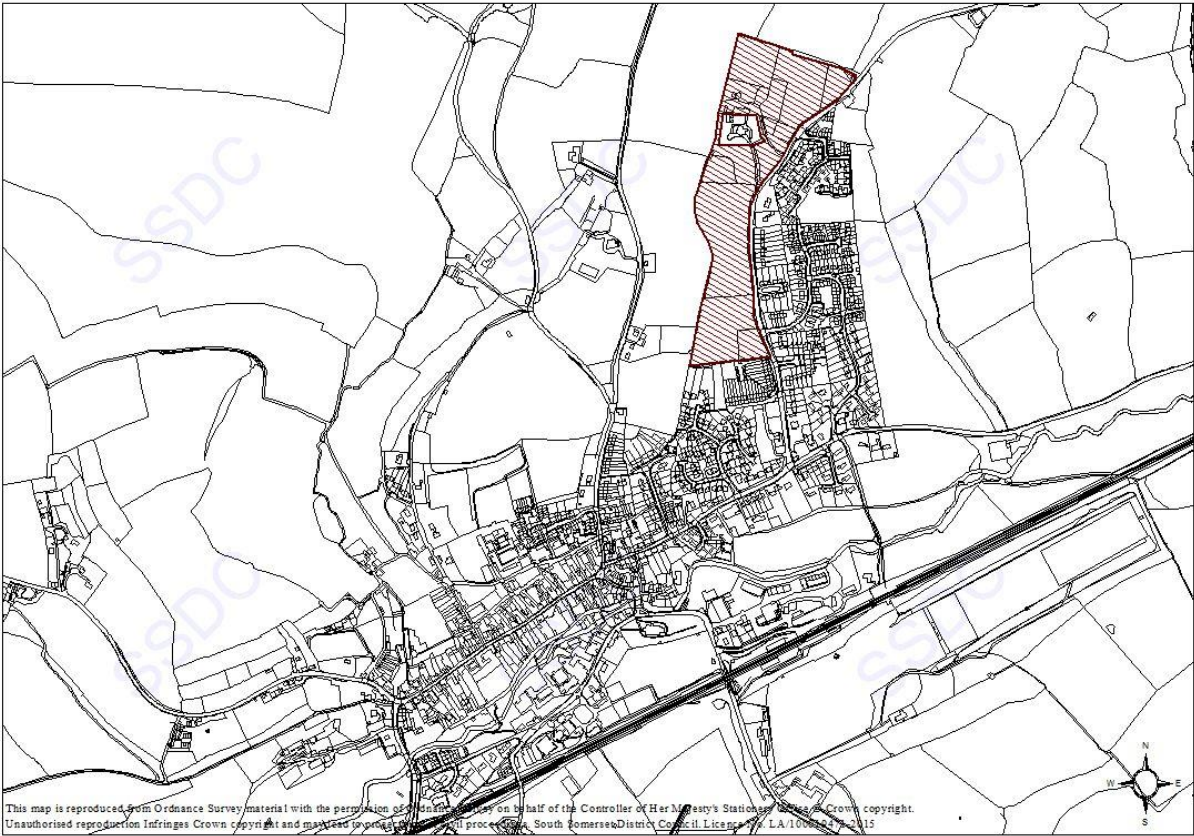
Amended plans have been provided and re-consultations carried out. The advice of the District Valuer has been sought following which the applicant has offered:

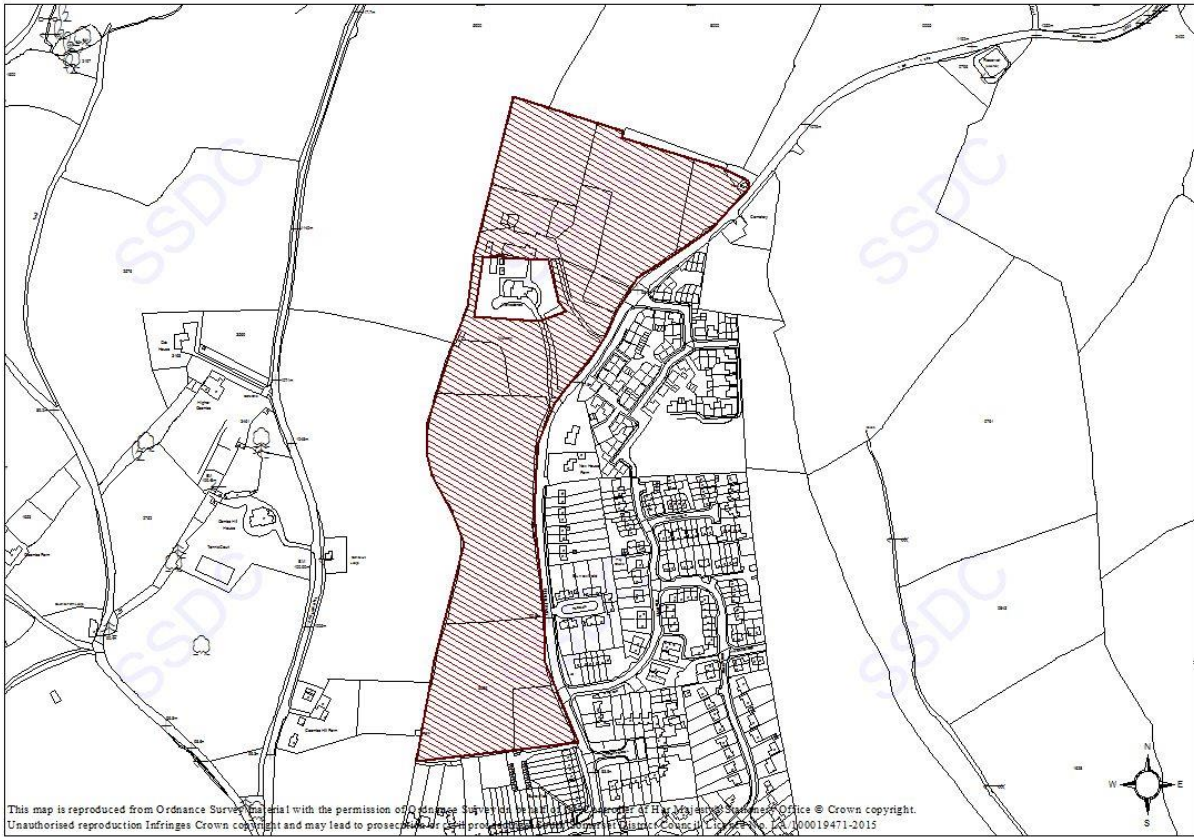
- 18% affordable housing comprising 12 units at social rent;
- Off-site leisure contributions as previously agreed;
- An on-site LEAP of a specification to be agreed;
- Travel Planning measures as previously agreed;
- Off-site highways and footpath improvements as previously agreed plus an additional crossing point over Frome Road to the south in lieu of the previously agreed footpath.

No changes are proposed to the access, layout or number of houses; the previous report, updated as necessary is presented below.

The District Valuer has confirmed that this offer reflects a viable scheme.

SITE DESCRIPTION AND PROPOSAL





This 6.41 hectare site is located at the head of a small valet in the north side of Bruton. It is bounded by the A359, Frome Road and the new Cuckoo Hill development to the east; agricultural land to the north, west and south. The site is generally level with the slight dip running north/south in the middle at the head of the valley. There is a ditch flowing from west to east along the northern boundary and hedgerows to the other boundaries. Rights of way run along the northern and southern boundaries.

The site comprises 2 distinct parts; the northern part includes the dwelling known as Frome House (the converted stables of Marksdanes) and its garden, part of the garden of Marksdanes and a small Christmas tree plantation. The southern part comprises two agricultural fields. The dwelling known as Marksdanes sits between these parts and is excluded from the development site.

Whilst the red line is extensive, the proposal is for the clearance of all structures and existing trees from the northern part of the site and the erection of 68 dwellings comprising:-

- 33 x four-bedroom houses
- 16 x three-bedroom houses
- 5 x two-bedroom houses
- 12 x one-bedroom flats
- 2 x two-bedroom flats
- 191 parking spaces
- An area of public open space to include play facilities
- A new access from Frome Road including a right turn lane into the site and new crossing points.

Marksdanes would be retained along with the two fields to the south.

The application is supported by:-

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Draft Travel Plan
- Statement of Community Involvement
- Affordable Housing Statement
- Ecological Assessment
- Landscape Visual Assessment
- Flood Risk and Drainage Assessment
- Archaeological Assessment
- Land Contamination Assessment
- Tree Survey/Arboricultural Assessment
- Draft Heads of Terms for S106 Agreement

Additional information regarding the access arrangements, archaeology, bat mitigation measures, drainage and landscape has been provided to address concerns raised by consultees. At the applicant has also agreed to provide a crossing point on Frome Road to the south of the site should the opportunity arise in the future to create links to the town centre via Coombe Street.

RELEVANT PLANNING HISTORY:

14/05412/EIASS Screening opinion given – EIA not needed.

15/03363/OUT Outline permission granted on the land to the south for a doctor's surgery.

POLICY

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

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

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

SS1 – Settlement Strategy – identifies Bruton as a Rural Centre

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

SS5 – Delivering New Housing Growth – sets out a need for at least 203 houses in Bruton over the plan period. As at August 2016 103 dwellings had been completed in the first 10 years of the plan period, with a further 14 committed (i.e. under construction or with extant permission), meaning that around 116 are already being 'delivered' at Bruton. Policy SS5 states that prior to the adoption of the Site Allocations Development Plan Document a permission approach will be adopted in the Rural Centres

SD1 – Sustainable Development
SS6 – Infrastructure Delivery
SS7 – Phasing of Previously Developed Land
HG2 – The Use of Previously Developed Land for New Housing Development
HG3 – Provision of affordable Housing
HG5 – Achieving a Mix of Market Housing
TA1 – Low carbon travel
TA4 – Travel Plans
TA5 – Transport Impact of New development
TA6 – Parking Standards
HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development
EQ1 – Addressing Climate Change in South Somerset
EQ2 – General development
EQ4 – Biodiversity
EQ5 – Green Infrastructure
EQ7 – Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment

Other Material Considerations

On 7 July 2016 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Somerset County Council Parking Strategy (March 2012)

ORIGINAL CONSULTATIONS

Bruton Town Council – support on the proviso:-

- 1) *There is an adequate road traffic management plan for the A359 including the provision of a pelican crossing.*
- 2) *That money from the developers be used to upgrade, but not increase the size, of the play area at Cuckoo Hill and that the developer upgrade its own green space on the Landhouse project.*

Bruton Trust – broadly support. Would like to see photovoltaics/thermal energy incorporated, play equipment provided on site; footpath links to the town and allotments.

SCC Highways Officer – no objection subject to modelling of the proposed access and safeguarding conditions. Subsequently it has been confirmed that:-

“The Highway Authority is satisfied that the additional modelling information has addressed the points raised in terms of the proposed junction. Regarding the off-site highway works the Highway Authority is satisfied that these are now acceptable in ‘General in Accordance’ terms.”

SSDC Policy Officer – No objection subject to consideration of site specific impacts.

Area Development – No comments received.

SCC Drainage (as LLFA): initially objected as it was not demonstrated that the proposed drainage system had adequately taken account of off-site surface water that might get into the system. Objection withdrawn in light of additional details provided.

Wessex Water – no objection to proposed foul drainage but shared LLFA’s original concerns

SSDC Engineer – accepts strategy and proposals set out in FRA, subject to agreeing technical detail and future management by condition. Requested clarification of outfall from attenuation pond.

Wales & West Utilities – no objection subject to no building over their apparatus.

SSDC Landscape Architect – notes that the site is at some distance from, and higher than, the town centre. Accepts the submitted assessment and the context provided by the development on the opposite side of the road, however initially suggested either revision to master plan to address specific concerns regarding long views to the site over St Mary’s Church, for further clarification of the mitigation strategies.

SSDC Conservation Officer – commends the interesting approach that has been taken to the design and the carefully considered and refreshing attempt at housing in a contemporary style. Conditions recommended to ensure the details are appropriate.

SCC Archaeologist – initially requested further details on any archaeological remains prior to determination of the application. Subsequently recommends safeguarding condition in light of additional details.

SSDC Tree Officer – no objection subject to safeguarding condition

SSDC Open Spaces Officer – initially concerns that insufficient informal open space would be provided as the strategic landscaping/peripheral green corridors would not normally be counted as providing this.

SSDC Ecologist – initially concerned about the loss of bat roosts in Frome House and recommended the agreement of bat roost compensation measures prior to any approval. In light of additional details raises no objection subject to the proposal satisfying the Habitats regulations and safeguarding conditions.

Somerset Wildlife Trust – no objection subject to safeguarding as per recommendation of ecology report.

SSDC Climate Change Officer – recommends the inclusion of photovoltaic panels, otherwise no objection.

SSDC Environmental Protect Officer – no objection subject to conditions to cover possible contaminated land and construction management

SCC Rights of Way – no objection subject to works not encroaching the footpaths.

Police Architectural Liaison Officer – no objection subject to revisions to address concerns about footpaths widths, natural surveillance of public areas, position of bollards and fencing.

SCC Education Officer – no contribution sought as there is capacity within the local schools.

SSDC Housing Officer – requests 23 affordable houses with the tenure split 67/33 between social rent and intermediate options:-

- 1 bed (2 person) flat – 8 (social rent) 2 (intermediate) – 47 sq.m
- 2 bed flat (4 person) – 2 (social rent) 2 (intermediate) – 66 sq.m
- 2 bed house (4 person) - 4 (social rent) 1 (intermediate) - 76 sq.m
- 3 bed house (6 person)– 1 (social rent) 2 (intermediate) - 86 sq.m
- 4 bed house (8 person) - 1(social rent) - 106 sq.m

SSDC Leisure Policy - requests a total contribution of £142,814 (£2,132 per dwelling) as follows:-

- Provision of a LEAP on site to be provided and maintained by the developer.
- £9,167 towards enhancing the youth facility provision at Jubilee Park, Bruton.
- £24,695 towards enhancing the playing pitch provision at Jubilee Park, Bruton.
- £50,139 towards enhancing the changing room provision at Jubilee Park, Bruton.
- £25,044 as a commuted sum towards the above local facilities
- £32,355 towards enhancing the community hall provision in Bruton;
- Monitoring fee of 1% - £1,414

REPRESENTATIONS

20 objection letters and 7 letters commenting on the application have been received raising the following concerns:-

- Footpaths and cycleways (multi-use path) should be provided to services and facilities in town;
- A pavement should be provided across the site frontage;
- Some of the smaller units should be available on the open market;
- Additional traffic and congestion on Cuckoo Hill and in narrow streets of Bruton;
- It is not viable to expect people to cross the road to walk into town;
- Proposed crossing not safe;
- Destruction of the fir tree site;
- Design not in keeping with traditional houses of Bruton;
- Outside development area;
- Loss of agricultural land
- Additional noise, light and litter
- School must be already oversubscribed

- Profit is being put before common sense;
- Most houses would be unaffordable
- Impact on wildlife;
- S106 money should be spent on road improvements;
- Eco-credentials are not high enough, no solar thermals, no rainwater harvesting etc.
- Increase risk of flooding
- Camber of A359 needs to be sort out as it directs surface water towards the houses to the east.
- Impact of more dog walkers on livestock;

An e- petition seeking the inclusion of the footpath has been signed on line by 'over 100 people' according to the organiser, the Bruton Area Street Improvement Initiative.

17 letters of support have been received in support of the application:-

- Well sited proposal that makes excellent use of the site;
- Bruton has to have its quota of housing and this will bring much needed homes, including affordable homes to the town;
- Will enable local, people to stay in the town;
- Environmentally friendly approach
- No harm to wildlife;
- Imaginative and attractive approach will improve public space;
- This is an ethical and responsible approach;
- There has been a failure to build for the 21st century, our forefathers embraced change and this site allows this scheme to do so without jostling with buildings of older, incompatible styles.
- New housing should be allowed to break the strait jacket of "in keeping" pastiche, using archaic building practices and materials.

Consultations in Relation to Amended Scheme

Bruton Town Council – no objection to the revision of the design

Leisure Policy Co-ordinator – previous comments apply.

Housing Development Officer – accepts the proposal to provide 12 units for social rent based on 6 one-bedroom flats, 6 two-bedroom flats and 2 two-bedroom houses.

Landscape Architect – no further landscape issues raised.

SSDC Ecologist – No further comments.

Natural England – considers that the amendments relate largely to design and are unlikely to have significantly different impacts on any statutorily protected species than the original proposal.

Police Crime Prevention Design Advisor – previous comments apply. In relation to detail to amended plans:-

- *Probable conflict between the residents of plots 42 & 43 with the public open space – please consider a more robust perimeter to prevent conflict with POS users*

- *The narrow footpath for the public right of way between plots 21 & 20 would benefit from being widened by at least .5mtr to 2metres to allow users to pass freely. I would also ask for bollards to prevent cyclists/mopeds to conflict with pedestrians*

Representations – no further comments received.

CONSIDERATIONS

This amended proposal invites the Council to consider the previously approved scheme in light of revisions to the design and the reduced affordable housing offer. It is not considered that these changes affect other aspects of the proposal previously found to be acceptable i.e. the principle of the development of this site, landscape impact, residential amenity, highways issues and accessibility, ecology and drainage.

Whilst the key issues at this stage are the merits of the redesigned houses and the reduction in affordable housing, the previous sections of the original report are updated below so that members can consider whether or not there have been any changes in circumstance that might justify reconsiderations.

Principle

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 – 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to ‘out-of-date’ housing supply policies needs to be considered in the ‘planning balance’ of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In this instance, the site is adjacent to a Rural Centre where policy SS5 advises that a permissive approach should be taken to housing proposals.

It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council’s shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered “*in the context of the presumption in favour of sustainable development*” (para. 49) and that any adverse impacts would need to “*significantly and demonstrably outweigh the benefits*” (para.14).

It flows from this that the proposal cannot simply be rejected because it is outside the existing built up area. Such an approach could not be justified under either paragraph 14 of the NPPF or policy SS5 of the local plan, the permissive approach of the latter being very similar to the former.

The proposal for 68 dwellings, a net increase of 67, is within the overall minimum figure of 203 set out in the local plan, and in any event the mere exceedance of this figure, or meeting the target early in the plan period, could not justify withhold permission

Instead it is necessary to consider whether or not the proposal would be 'sustainable' in light of any harmful impacts, whilst giving significant weight in the planning balance to the benefits of delivering much needed housing.

Notwithstanding local concerns it is accepted that no technical consultee has raised an objection to this proposal, in terms of highways impact, drainage, ecology or archaeology. Furthermore no infrastructure provider has objected to the scheme, subject to appropriate contributions towards affordable housing and leisure facilities.

Accordingly subject to appropriate conditions and a S106 agreement to secure planning obligations in relation to education, affordable housing and leisure it is considered that no significant harm would arise in respect to these areas of concern.

Impact on Local landscape and Visual Amenities

Whilst the site's development would introduce a significant new built form to this site of the road it is considered that the modern design of the proposed houses is such that they would benefit from a degree of visual separation from the established built form. It is accepted that the site is at a distance from the town centre and is on the opposite side of the road from the main built form of this part of Bruton. However it is at a similar distance from the town centre as the new development at Cuckoo Hill and the site already has a modest build form.

Visually the site is screened from the north and west by rising land and from the east by the houses at Cuckoo Hill. Whilst the Landscape Officer originally expressed some concern about the landscape and visual impact of the development, when viewed from the south over the town, he considers the supplementary supporting case provided by the applicants demonstrates that the proposal would not have an undue landscape or visual impact.

On this basis it is considered that, in landscaping terms, the proposal complies with policies EQ2 and EQ5 of the local plan.

Design and Layout of Development

It is considered that proposed mix of house sizes, in would meet the requirements of policy HG5. The layout of the houses, with properties along the A359 to create a frontage, and a central area of public open space is an appropriate response to the topography and context and would respect the privacy of the retained dwelling at Marksdales.

The retained hedges and hedgerow trees would be afforded sufficient space to provide supplementary planting and the wildlife corridors as required by the ecological mitigation measures. Whilst the comments of the police architectural liaison officer are noted it is considered that sufficient care has gone into the layout of the scheme to prevent his concerns manifesting themselves. The agreement of boundary details by condition would also address these concerns.

It is accepted that the unashamedly modern design proposed may not be everyone's liking, however it is considered to be high quality in its inception and has been well executed. The Council's conservation manager has been supportive and there is strongly local support for a 21st century approach to housing in the comments received.

With regard to the revisions to the design it is considered that these reasonably reflect the realities of the construction of such houses and are not considered to unacceptably water down the design vision that was previously found to be acceptable.

It is considered that the 'standalone' context, at the edge of the town is such that the proposal would not constitute an awkward juxtaposition of the modern and history and would be seen as it is intended, simply a next phase of the town's growth, not something that would detract from the historic qualities of the town centre.

On this basis it is considered that the proposal complies with policies EQ2 and EQ3.

Residential Amenity

It is not considered that the layout or design/window arrangement of the proposed houses would have any undue impacts on the amenities of existing residents. The layout and design of the proposed houses is considered sufficient to ensure an adequate standard of amenity for future occupiers. In this respect therefore it is considered that the proposal complies with policy EQ2.

Highway Issues and Accessibility

Clearly there is local concern that traffic from this development may have an adverse impact on the local road network. The applicant has provided a full transport statement, which has been updated by an audit to address issues raised by the highway authority who now accept its findings and raise no objection to the proposal subject to safeguarding conditions and travel planning measures, including the provision of new crossing point to the south of the entrance.

It is accepted that the site is at some distance from the services and facilities available in the town centre, however it is not considered that the distances involved, between 1-2km are such that the site could reasonably be considered 'inaccessible' given the availability of existing pavement link. The previously suggested new footpath across the land to the south of the application site to link to a possible new path across the County owned land Coombe Street is now omitted.

Whilst this is regrettable the applicant has offered to provide a second new crossing point on Frome Road that would enable future residents of the development to access any new link to Coombe Street that may be created. This is considered reasonable as there is justification to assume that the link across publically owned land to Coombe Street is unachievable. Until this is achieved the existing routes to the town centre, including the footpath across the southern boundary of the site to a more northerly point on Coombe Hill would be available for residents.

The applicant also offers travel planning measures to encourage future residents to rely less on the private motor car. These measures would be agreed with the County Council through the s106 agreement.

It is accepted that, given the topography, distance and nature of the pavement, which are in places narrow and require crossing the road to maintain continuity, not all future residents would choose to walk. However subject to creating the option to walk, it is considered that this will be a viable choice for some.

Accordingly subject to agreeing travel planning measures and the off-site improvements it is not considered that this proposal could be regarded as contrary to policies TA4 and TA5 in terms of the accessibility of the site.

Ecology

The Council's ecologist accepts that the development will result in the destruction of a bat roost as therefore an assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of '*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'
2. '*there is no satisfactory alternative*'
3. the development '*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'.

It is considered that the provision of much needed housing to address the council's shortfall constitutes a clear benefit in the wider public interest. Given the nature of the Bruton and the immediately surrounding land it is accepted that the options for the delivery of new housing to enable the town to grow are limited. This site is considered to be in the right location and could deliver the right housing at the right time. No other available alternative sites in Bruton have been identified.

In respect of test 3, the Council's ecologist concludes that the proposed mitigation, which includes timing constraints, ecological supervision of demolition, and provision of replacement bat roosting opportunities built in to a couple of the new properties, is appropriate to the species and type of bat roosts recorded. As such it is considered that the favourable conservation status would be maintained by the mitigation measures proposed which can be secured by condition.

On this basis, and subject to safeguarding conditions as recommended by the council's ecologist it is not considered that the proposal would have any undue impact on biodiversity, as such the proposal complies with policy EQ4.

Drainage

It is accepted that there has been a history of surface water flooding in Cuckoo Hill in the recent past (2011). This was as a result of torrential rain falling onto an unploughed field from which a maize crop had recently been taken. The resultant run-off overwhelmed the poorly maintained ditch on the northern side of the site and culvert under the A359. The upshot was heavy flows on water on the Frome Road which resulted in a number of homes in the new Cuckoo Hill development and existing houses in Eastfields being flooded.

Since then the ditch has been maintained and a new culvert under the A359 provided to ensure that flows from the agricultural land to the north are diverted away from this site and the houses in Cuckoo Hill/Eastfields.

There remains an overflow from the western end of this ditch which is piped under the site discharging to a water course to the south of Marksdanes. This has historically given rise to flooding issues at Frome House and Marksdanes. Whilst the re-engineering/maintenance of the east flowing ditch and culvert has rendered this less likely, the application proposes the replacement of the pipe under the site with a larger pipe. Thus in the event that the ditch backs up there would be a culvert under the site to prevent water from the land to the north causing problems for either properties along Frome Road/Cuckoo Hill or the dwellings proposed in this

site.

In terms of the on-site drainage proposals, these would also discharge to the south, but via an attenuated system. This would ensure that the existing rate of discharge from the site is not increased. Subject to securing the detail of this by condition, this aspect of the proposal is accepted by the relevant drainage consultees and complies with policy EQ2.

Planning Obligations

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested along with an on-site LEAP equating to an overall total of £142,814 (£2,132 per dwelling). Notwithstanding local comments the County education accepts that the local schools are not oversubscribed and no education contribution is sought.

The applicant has raised no objection to making these contributions. However since member's last considered this applicant the applicant has identified viability issues with the scheme reflecting the cost of construction, market conditions and the price that affordable housing providers are able to offer. A full viability appraisal has been provided in support of the applicant's contentions; this has been assessed by the District Valuer.

It is accepted that the scheme as approved would not be viable in current market conditions. The applicant has offered to provide 12 units for 'social' rent made up of 6 one-bedroom flats, 6 two-bedroom flats and 2 two-bedroom houses. These would be provided in 2 clusters of six. The DV agrees that this would be viable and is acceptable to the housing officer.

Provided these requirements are secured through the prior completion of a Section 106 agreement the application is considered to comply with policies SS6, HW1 and HG3 and the aims of the NPPF.

Other Issues

It is accepted that the proposal would result in a modest loss of some of the best and most valuable agricultural land (grades 2 and 3a), however this land is currently in a mix of domestic and forestry use. As such it would be difficult to argue that its development should be resisted because it might at some point in the future revert to agriculture.

It is not considered that it could reasonably be argued that the proposed houses would unduly increase light, noise and litter to the point that permission should be withheld. Whilst there are those who would like to see photovoltaic and solar thermal installations added to the housing it is considered that these could not easily be added to these houses without compromising the well thought out design.

The Design and Access Statement sets out that these houses are intended to be an "exemplar for sustainable residential community development". It is considered that this is evidenced in the design of the houses and the supporting information and as such it is not considered reasonable to insist that these technologies be added retrospectively.

Finally the fears that dog walkers might not properly control their animal when close to livestock and the developer might be in it for profit are not material planning considerations and should be disregarded in his instance.

Conclusion

Whilst local concerns, including highways, ecological impact and drainage, are acknowledged, they are either not supported by the relevant technical consultees or could be adequately mitigated. As such little weight in the planning balance should be given to these issues.

It is accepted that there would be some minor landscape harm simply as a result of building on this site however it is considered that any such harm could be mitigated through the landscaping proposals. Although the modern design of the proposed houses divides opinion, it is considered that it is well conceived and executed. The site's location would set this new development aside from the historic core of Bruton, and the site's immediately surrounding are not considered so sensitive that the proposal would sit uncomfortably in its context.

The development is considered to meet the requirements of sustainable development in that it would deliver a quality scheme that would sustain the environment, socially it would provide housing and economically it would support the house building industry in the short term and the economic activity of future residents would be beneficial locally.

Given the current lack of a 5-year housing land supply it is considered that benefits in terms of the sustainable delivery of much needed housing significantly outweighs the any harm that might rise.

RECOMMENDATION

That, application reference 15/03274/FUL be approved subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £9,167 towards enhancing the youth facility provision at Jubilee Park, Bruton.
 - £24,695 towards enhancing the playing pitch provision at Jubilee Park, Bruton.
 - £50,139 towards enhancing the changing room provision at Jubilee Park, Bruton.
 - £25,044 as a commuted sum towards the above local facilities
 - £32,355 towards enhancing the community hall provision in Bruton;
 - Monitoring fee of 1% - £1,414
- (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing).
- (iii) 12 dwellings as affordable dwellings (6 one-bedroom flats, 6 two-bedroom flats and 2 two-bedroom houses for social rent) to the satisfaction of the Development Manager in consultation acceptable to the Corporate Strategic Housing Manager.
- (iv) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority
- (v) Off-site highways and footpath improvements, including two crossing points on the A359 any contribution necessarily to the full cost of applying for any Traffic Regulation Orders to the satisfaction of the Development Manager in

consultation with the County Highways Authority

and the following conditions.

Justification:

Notwithstanding the local concerns the provision of 68 dwellings, which would contribute to the district Council's housing shortfall and make provision for enhancements to drainage, highways safety and community facilities and without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

01. 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. Unless required otherwise by conditions attached to this permission the development hereby permitted shall be carried out in accordance with the plans set out below.

DRAWING	NUMBER
Site Location Plan	13-063-203
Site Layout Plan	A212_S2 P8 A205_S2 P1
Housetype Plans	Housetype A: A101_S2P3; A102_S2P3 Housetype B: A104_S2P3; A105_S2P3; Housetype C: A107_S2P2; A108_S2P2; Housetype E: A114_S2P2; A115_S2P2; Housetype F: A117_S2P2; A118_S2P2; Housetype H: A123_S2P2; A124_S2P2 Housetype I: A129_S2P1; A130_S2P1; A153_S2P1; Housetype K: A132_S2P2; A133_S2P2; Housetype L: A135_S2P2; A136_S2P2; Housetype M: A154_S2P3; A155_S2P1; A156_S2P1; Housetype S1-1B: A138_S2P1; A139_S2P1; Housetype S2-2B: A150_S2P2; A151_S2P2; Housetype S2: A141_S2P1; A142_S2P1; Housetype S3: A133_S2P1; A145_S2P1; Housetype S4: A147_S2P1; A148_S2P1;
Cross Section of Culvert	12258-CD06
Proposed Culvert	12258-CD07
Arrangement	12258-CH05
Proposed Street Furniture	12258-CH06

Existing Foliage to be Removed	12258-CH07
White Lines and Signage for Junction	12258-CH08
Access Cross-Sections and Contours	12258-CH09 12258-CH10
Vehicle Tracking for New Junction	FMW1192T-SK17
Proposed Junction Surface Finishes	12258-CH-31
Proposed Puffin Crossing	
Proposed Pedestrian Crossing	
Drainage Layout	FMW1192T-SK01_G
Drainage Route Sketch	12258/SK18A
Hardworks Layout 1/3	13-21-PL-33
Hardworks Layout 2/3	13-21-PL-34
Hardworks Layout 3/3	13-21-PL-35
Tree Removal & Retention Plan	13-21-40_A 12258-CH-31
Tree Removal Drainage Sketch	CAPCO_BL_DD_PL02 CAPCO_BL_DD_PL03
Capco Playspace Plan 1/2	
Capco Playspace Plan 2/2	

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

03. Notwithstanding the details should in the submitted plans, no dwellings hereby approved shall be commenced until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a) details of materials and positioning where appropriate (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b) details of the recessing, cills and lintels, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c) details of all hardstanding and boundaries
 - d) details of the rainwater goods and eaves and verge treatments.
 - e) Details of meter boxes, any external aerials/satellite dishes, vents, flues and extracts

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

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

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

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

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

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

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

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

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

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

08. The works shall be implemented in accordance with details of the proposed bat compensation/mitigation measures (as outlined in 'Bat Addendum', Sep 2015, Clarkson and Woods Associates), and as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Plots 28 and 29 shall not be sold or occupied until inspection and written confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the bat compensation proposals and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and approved in writing by the Local Planning Authority.

If the demolition of Frome House or its outbuildings hasn't been completed by 31st March 2017, then a further survey shall be undertaken to ascertain any changes in bat presence or activity before demolition work commences. Such surveys shall be submitted to the local planning authority and approved in writing before work commences along with any further mitigation or compensation proposals that may be necessary as a result of any significant changes in bat presence or activity. Any amended compensation/mitigation measures shall thereafter be implemented as agreed.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

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

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

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

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

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

Reason: In the interests of highways safety and the amenities of the locality in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

12. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access from Frome Road (A359) and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

13. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning

Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, measures to prevent mud/debris being deposited on the highways by vehicles leaving the site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

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

14. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a scheme of tree planting, a Tree Protection Plan and an Arboricultural Method Statement relating to all retained trees on or adjoining the site shall be drafted so as to conform to British Standard 5837: 2005. Such Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the Council and it shall include:
- a) details of any required tree works so as to conform to BS 3998:2010 - Tree Works;
 - b) plans detailing root protection areas, construction exclusion zones and the installation of tree protection fencing;
 - c) layout plans showing the locations of required below-ground services
 - d) special tree protection and engineering measures for any approved installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees;
 - e) a scheme of arboricultural on-site supervision, monitoring and certificates of compliance relating to the tree protection measures.

Upon implementation of this planning permission, the measures as specified within the agreed scheme of tree planting, the Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason : To safeguard existing trees in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

15. All planting, seeding or turfing comprised in the Landscaping Proposals as shown on drawing 13-31-30 shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written approval to any variation.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

16. No dwelling hereby approved shall be occupied out until a scheme of maintenance and management of the structural and open space planting has been submitted to and approved in writing by the local planning authority. Once approved such regime shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

17. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains of past industrial use, are found at any time when carrying out the approved development al work shall cease, unless agreed otherwise in writing by the LPA and the findings must be reported in writing to the local planning authority within 14 days. If the LPA considers it necessary, an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary, a remediation scheme must be submitted to and approved in writing by the LPA and thereafter all works on site shall be carried out in accordance with the agreed scheme.

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

Informatives

1. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. You are reminded that there should be no removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.
3. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) may be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
4. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
5. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.
6. It should be noted that given the nature and scale of the works required to create the proposed new access, it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 Licence. Please contact the Highway

Authority to progress this agreement well in advance of commencement of development.

7. The developer delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.
8. Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.
9. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).