

Officer Report on Planning Application: 14/01055/OUT

Proposal :	Residential Development of land. Alterations to Court Lane and its junction with Wick Road, formation of access onto Court Lane with visibility splays. Provision of footpaths on Wick Road (GR:367396/119223)
Site Address:	Land At Court Lane, Milborne Port.
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr L Wallace
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	10th June 2014
Applicant :	White Bros Developments
Agent:	Mr Michael Williams Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Major Dwlg 10 or more or site 0.5ha+

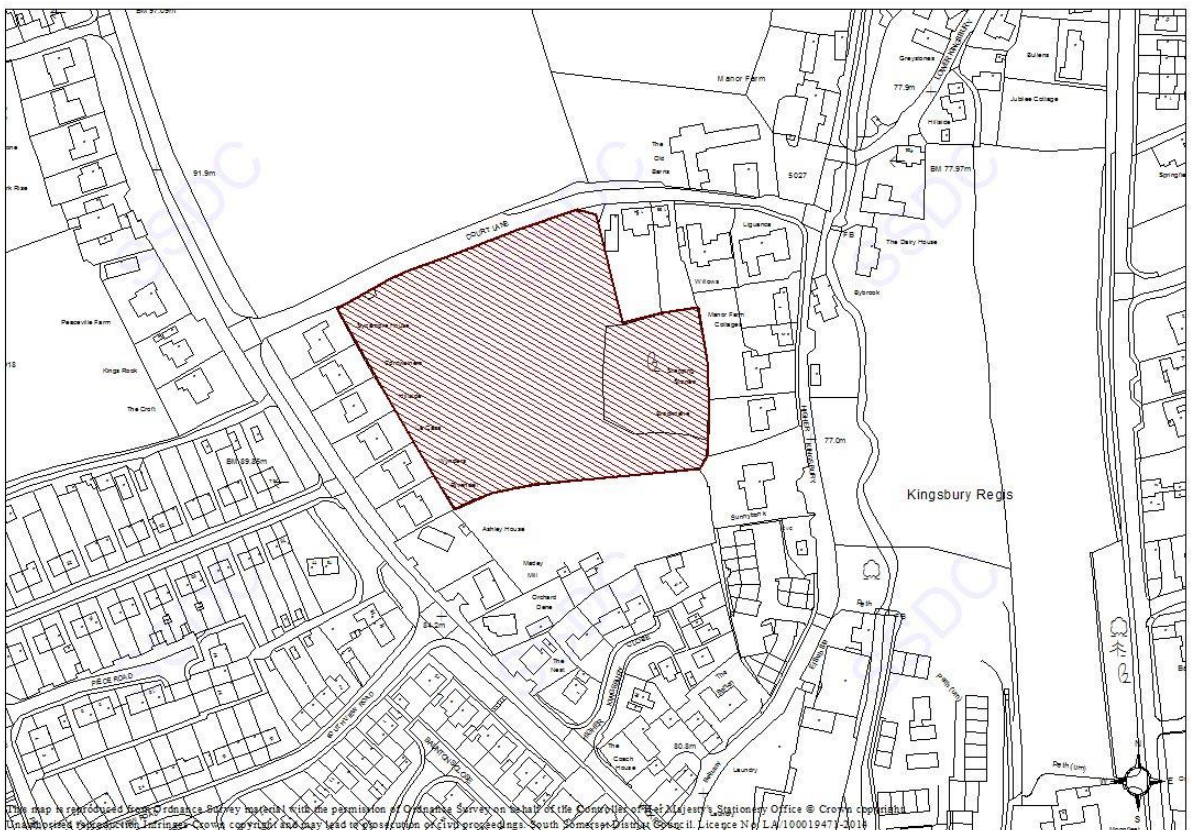
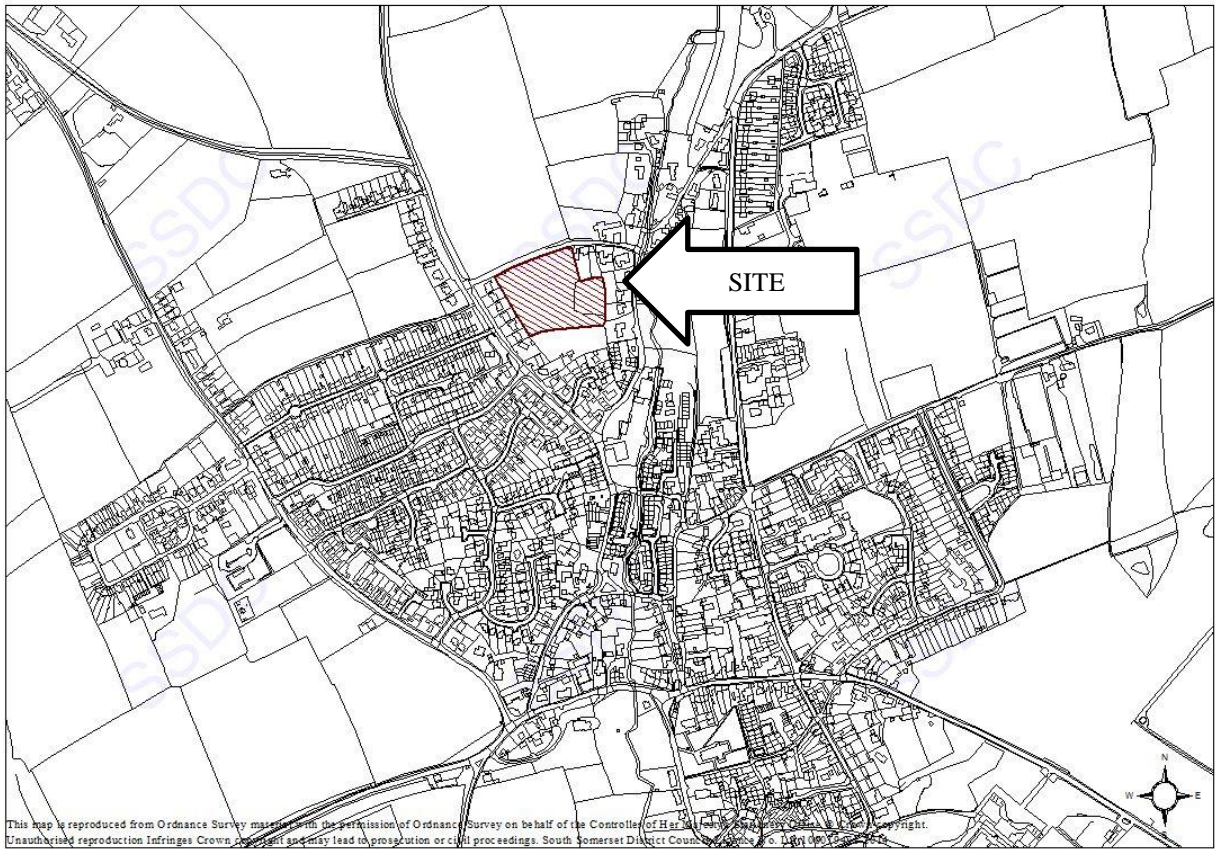
REASON FOR REFERRAL TO COMMITTEE

At the meeting of Area East Committee on 9th July 2014 the members considered the application and deferred determination in order to allow a member's site visit. The site visit took place 25th July 2014. The application was originally referred to committee for the following reason:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

As a further update since the application was last considered, the Dorset Campaign to Protect Rural England have raised an objection to the scheme. The original report has been updated in light of their comments.

SITE DESCRIPTION AND PROPOSAL



This application seeks outline permission for the residential development of land. All matters are to be reserved with the exception of access. The site consists of a broadly flat and agricultural field. The site is bounded by a variety of residential properties to the east and west, with a small area of open land and then residential properties to the south, and a lane and then open countryside to the north. The site is not with a development area as defined by the local plan.

It is proposed to provide vehicular access to the site through the northern boundary from the existing highway known as Court Lane, with a proposed pedestrian link to the land to the south. It is proposed to carry out various works to the highway on Court Lane and Wick Road.

The indicative layout shows the provision of 20 houses of various types set around two cul-de-sacs with an area of open land to the north of the site and a 'wildlife corridor' along the eastern boundary of the site.

The application is supported by:

- Architect's Design Statement
- Planning Statement
- Flood Risk Assessment
- Transport Statement
- Biodiversity Survey Assessment Report
- Tree Survey
- Village Design Code Study
- Various indicative plans.

RELEVANT HISTORY

14/01915/EIASS - Request for a screening opinion in respect of residential development of land at Court Lane – EIA not required 29/04/2014

On land to the south of the site:

14/00791/OUT - Outline planning application for the erection of 10 no. dwellings with some matters reserved (Revised Scheme) - Application refused 20/05/2014

13/04830/OUT - Outline planning application for 10 dwellings with all matters reserved except for means of access, layout and scale - Application withdrawn 28/01/2014

912135 - Res. Dev. Of Land (Outline) - Refused 14.11.1991 - Appeal dismissed 01.04/1992

On land at Wheathill Garden Centre:

13/02559/OUT - Demolish existing buildings, residential development of land and formation of new vehicular and pedestrian access – Application refused 20/09/2013 – Allowed at appeal subject to conditions 03/04/2014

The application was refused by this council for the following reason:

“The proposed residential redevelopment of this horticultural site, which does not wholly constitute brownfield land and is outside the settlement limits of Milborne Port, would, without any additional provision of employment land, constitute unsustainable development with no mitigating environmental, economic or social benefits. As such the proposal is contrary to the policies of the National Planning Policy Framework.”

However the inspector made the following comments in relation to the sustainability of the site and Milborne Port as a whole:

“Whilst the appeal site is located beyond the development boundary of Milborne Port, it is adjacent to it and thus is not in an isolated location. Furthermore, on the basis of what I saw on my site visit I consider that all of the proposal would be located on previously developed land. As a result of the condition of the existing structures and hardstanding on the site, a well designed high quality residential development would be likely to bring about an improvement in the built environment. In addition, given the gardens that will be associated with the proposed dwellings and the landscaping that will take place, including possible tree planting, the proposal may also bring about an improvement in the natural environment on the site. Consequently, and as a result of the site’s proximity to the centre of Milborne Port, including the services and facilities associated with it, the proposal would be an environmentally sustainable form of development in line with the Framework.”

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST3 - Development Area
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EC8 - Protected Species
EU4 - Drainage
TP1 - New Development and Pedestrian Movement
TP2 - Travel Plans
TP4 - Road Design
TP7 - Car Parking
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR4 - Amenity Open Space
HG7 - Affordable Housing

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Milborne Port Parish Council - Strongly opposes the planning application and supports letters and comments from the public against the plans. They state that the roads surrounding the site are inadequate and can take no more congestion and extra cars which this development would cause. They feel there is much overdevelopment in the village and would regret the loss of green space amenity.

County Highway Authority - Initially raised concerns over the design of the proposed access and the lack of vehicle tracking information. On the receipt of amended plans he confirmed that the additional information dealt satisfactorily with his previous concerns and that from a planning policy, technical and safety viewpoint the development is considered to be acceptable. He therefore raises no objection subject to conditions to:

- Control disposal of surface water to prevent discharge onto the highway
- Control details of the estate roads, footpaths, etc.
- Ensure that roads and footpaths are constructed to ensure each dwelling is served prior to occupation
- Ensure that a network of footpaths and cyclepaths are provided before the occupation of any dwellings
- Secure the provision of adequate parking in accordance with Somerset Parking Strategy
- Secure the provision of adequate cycle parking facilities
- Secure the carrying of a highway condition survey and the remedy of any damage caused by construction works
- Secure the provision and implementation of a travel plan
- Control the details of the proposed highway works and access
- Secure the provision and implementation of a construction management plan
- Secure the details of drainage works.

SDDC Housing Officer - Notes policy requirements for 35% affordable housing split 67:33 social rent: intermediate products. She notes that further discussion would be necessary to assess the property types required based on data from the Housing Register - Homefinder Somerset.

Natural England - Notes that the site is in close proximity to the Holnest, Miller's Hill, Milborne Wick sites of special scientific interest (SSSI). They state that the proposed development will not damage or destroy the interest features for which the site has been notified. As such the SSSI does not represent a constraint to development. They note that they have not assessed the application for impacts on protected species, referring to their standing advice. They note the LPA's duties in relation to biodiversity and landscape enhancements.

SDDC Planning Policy – Notes the presumption in favour of sustainable development contained within paragraph 14 of the NPPF. She notes that the LPA now considers that it does have a demonstrable 5 year supply of deliverable housing land (including a 20% buffer). She notes that the proposal does not accord with policy ST3 of the local plan (the current development plan for South Somerset) as it is outside of a defined development area. However she notes that whilst policy ST3 is in line with the general thrust of the NPPF it is not entirely consistent with its approach. She states that given the age of the adopted

local plan and the emergence of the new local plan, paragraph 14 of the NPPF is a material consideration of substantial weight.

She notes that the emerging local plan identifies Milborne Port as a Rural Centre and states that policies SS5 and SS3 apply. She notes that proposed Main Modification 5 revises policy SS5 to provide officers and developers interim guidance for how planning applications for growth will be determined prior to the Site Allocations Development Plan Document. She states that modification facilitates a 'permissive approach' when considering planning applications for housing growth within or adjacent to Rural Centres subject to key policy considerations (the NPPF, eLP Policy SD1, the scale of growth, the settlement hierarchy, and other local plan development management policies). She notes that emerging local plan should be given some weight due to its advanced stage of preparation, and that at a recent appeal decision the emerging local plan was afforded 'moderate weight'.

She concludes that, although the proposal is contrary to saved policy ST3, no planning policy objection is raised to the principle of development in this location for the reasons outlined above, and subject to no other consultee raising an objection which renders the proposal unacceptable.

SSDC Landscape Architect - Notes that the site is surround on 3 sides by development form, to make it effectively a potential infill site. He notes that whilst the site is particularly visible in short and mid distance views from higher ground, he considers the site's prime landscape and visual context to be of residential form. He notes that the sites' northern boundary is defined by Court Lane, which generally demarcates the north edge of the settlement, with open farmland beyond. He therefore considers the site sufficiently integrated into the village settlement pattern to be appropriate for development, and states that there is no landscape objection to the principle of development on this site. He notes the indicative layout, and sates that it could be improved with some fine tuning to the layout, noting that the treatment of building heights/ground levels will be a sensitive issue, particular in relation to existing housing to the east. He considers the following intentions to be appropriate:

- a) Setting development back from Court Lane, to avoid dominance issues;
- b) Creating in part a village street typology,
- c) Avoiding a high density of development, and
- d) Establishing a wildlife corridor.

He states that the urbanising introduction of an off-site pavement at this village edge location would not be appropriate. He states it would be better removed from the scheme, unless there is an insistence on this from SCC Highways.

SSDC Community, Health and Leisure - Requests a contribution towards:

- Local facilities of £44,829
- Strategic facilities of £28,521
- Commuted sums of £18,226, and
- A Community Health and Leisure Service Administration fee of £916

This would be total contribution of £92,492 (£4,625 per dwelling).

Environment Agency - No objection to the principle of the proposed development subject to a condition and informatives to control details of a surface water drainage scheme.

SSDC Ecologist - Notes the contents of the submitted biodiversity survey assessment report. He states that he is satisfied with and in broad agreement with the conclusions and recommendations of the report. He notes that areas of scrub referred to in the report appear to have been removed.

He notes that a small population of slow worms was recorded on site and recommends that a condition is imposed on any permission to secure a mitigation plan to avoid harm to slow worms. He also notes the expectation in the NPPF for some enhancement for biodiversity. He suggests the use of a condition to secure such enhancements.

SSDC Engineer - States that the drainage strategy set out in the flood risk assessment is basically sound. He states a condition is required to secure further details.

Wessex Water - Notes that they have no information in regard to the public sewers at Higher Kingsbury Close, and states that their suitability to accommodate foul flow from the proposed development will require assessment. They note that there are no surface water sewers available for connection within the vicinity of the site, and that there must be no surface water connections to the public foul sewer system. They note that water supply network modelling has recently been carried out and interim results suggest that minimum standards of pressure are available at the site. They state that buildings above two storeys would require on site boosted storage.

Somerset Wildlife Trust - Notes the submitted biodiversity survey and generally supports the recommendations in the report. They would also request that any external lighting scheme should be designed so as to minimise light pollution and not be sited near to bat boxes, and that any planting should use native species only, in particular, those that support wildlife.

Dorset CPRE – Objects on the following grounds:

- The application does not meet the environmental strand of sustainable development contrary to paragraph 9 of the NPPF.
- The site is just above the Kingsbury River Valley, which saw flooding in the winters of 2012/13 and 2013/14 and sewage backed up into new build properties in January 2014. They contend the proposal is therefore contrary to paragraph 100 of the NPPF.
- The site distinguishes the historic settlement of Kingsbury Regis from Milborne Port, has listed buildings in its vicinity, has not been excavated archaeologically, and enables views of the historic steeples of the two churches in Milborne Port. They contend the proposal is therefore contrary to section 12 of the NPPF.
- The proposal will exacerbate problems resulting from the already narrow and congested lanes with dangerous bends.
- The proposal does not enhance employment opportunities in Milborne Port, where according to the emerging local plan 75% of the economically active people commute out of the village to work. They contend the proposal is therefore contrary to paragraphs 34 and 37 of the NPPF.
- Milborne Port has carried its fair share of development and is already on the way to reaching housing targets set by the emerging local plan, even though there are another 14 years to run for such development. Demand for housing already built in the area has been slow and there are many houses for sale within the village.

REPRESENTATIONS

Letters of objection have been received from the occupiers of 27 properties in Milborne Port and one from the occupier of a property in Tolpuddle, Dorset. A further letter was received from the occupier of a property in Panama, disputing the applicant's claim to full ownership of the application site. Objections were raised on the following grounds:

Principle of Development:

- The development is not required and the village has seen considerable development in recent years.
- There is a lack of employment and services available in the village and a poor bus service, meaning people will have to use their car.
- There have been a large number of developments in recent years, and the village has done enough to support the needs of the country for new houses.
- The land is greenbelt land outside the settlement limit of the village.
- The arguments regarding the lack of a five year housing supply are subjective and contradicted by appeal decisions elsewhere in the district.
- Milborne Port has already provided the majority of its required housing as indicated by the emerging local plan.
- A similar application at Wheathill Garden Centre was recently refused and should set a precedent for the current scheme, as the current scheme is a more sensitive location.
- There is no demand for the housing as evidenced for the number listed for sale on Rightmove in Milborne Port.
- Various recent appeal decisions in a neighbouring authority set a precedent for refusal of the current scheme for various reasons.
- The site is greenfield land.

Highways:

- The roads in and around the development are generally narrow and substandard and not suitable for increased traffic movements. Particularly in regard to visibility, lack of passing places, parked vehicles, pedestrian, cyclist and horse-rider use of the lanes, poor drainage of the roads, the use of the lanes by large vehicles guided by satellite navigation, and poor lighting.
- Existing traffic problems caused by the laundry will exacerbated
- The submitted traffic survey was undertaken in 2012 and is out-dated. It should have been conducted over a number of days and include weekends, day-time and evening traffic. It also pre-dates the completion of the nearby Old Tannery site.
- An incident recorded as a 'slight accident' in the submitted highways assessment, was not slight and involved an Air Ambulance. An incident where a pedestrian was hit by a goods vehicle is also not recorded.
- Suggestion in submitted report that the occupiers of the development would favour public transport is almost unbelievable.
- There are already frequent near misses on surrounding lanes, which could be exacerbated by the development.
- Boundary walls and a listed bridge are already damaged occasionally, which could happen more frequently as a result of the development.
- Alterations to the footpaths on Wick Road would only benefit the local area and not the remainder of the village.
- The proposal may encourage the youth to use Wick Road as a racing circuit.
- The proposed highway works are not possible without undermining privately owned land and existing boundaries or by removing banks and/or hedgerows.
- The alterations to the junction at Wick Road will encroach onto an objector's land.
- The reported road widths are not accurate.
- The pavements have been offered as a planning gain, however there is little demand for them.
- The roads are in much need of repair, which could be made worse by the proposal.
- The submitted vehicle tracking for refuse vehicles highlight the restricted nature of the access.

Residential Amenity:

- Objects that 'wild-life corridor' appears to be no more than a footpath and would not want a footpath is such close proximity to their property.
- The village has endured enough disruption from a large scale construction project.
- The properties in Higher Kingsbury Close will be overlooked due to the rise of the land on site
- The adverse impact on local amenity by way of loss of privacy, noise, pollution and traffic movements will be out of proportion to the benefits.
- Properties in Higher Kingsbury, Wick Road, and Court lane will be overlooked and suffer a loss of outlook.
- The proposal will have negative impact on the small peaceful community of Kingsbury Regis.
- Hedge screening has already been removed.

Visual Amenity:

- The proposal will remove one of the remaining green buffers between the Kingsbury area and the rest of the village.
- The development will destroy a particularly fine view across the village including important buildings such as the Methodist Church and the Anglican Church.
- Development on the lower half of the site was refused and dismissed at appeal because the inspector concluded that the development would damage the character and appearance of the surrounding countryside. The situation has not changed.
- The existing green gap contributes to the shape, structure, landscape and character of the village.
- Hedgerow and mature trees have already been removed from the site
- The 2008 Peripheral Landscape study relied on by the applicant is flawed and cannot be relied on.
- Due to the sensitivity of the site, being the oldest part of Milborne Port, outline permission is not appropriate as design, layout and materials should be examined and 'locked in' for any approved scheme.

Other Matters:

- Developers may wish to increase the number of houses exacerbating any adverse impacts of the development.
- The submitted drainage plans involve piping water to the river Gascoigne, which is already prone to flooding. This will exacerbate the problem and invalidate the modelling at the Old Tannery site.
- The proposal will alter drainage patterns increasing the risk of flooding to properties in the valley bottom.
- Questions whether the local school can accommodate any additional children occupying the proposed dwellings.
- The site layout indicates a dwelling within the fall of a major tree which is likely to generate future problems.
- The development represents a breach of the human rights of the objector.
- The site is used by a variety of wildlife and is therefore not a prime location for development.
- The application should be considered alongside the proposed development on the adjoining site. The proposal includes a footpath link to that site, which could result in an increase of pedestrians in Higher Kingsbury Close and possibly more traffic movements if the plans change at a later stage.
- The proposal will not, but should, contribute to existing services in the village rather than placing a strain on them

- The submitted site plan is incorrect as it does not show the newly occupied development at the Brambles.
- The sewage system is already at capacity and cannot cope with further development.
- A developer may build more properties than currently proposed, or otherwise significantly alter the scheme from what may have been considered reasonable
- The site is likely to contain important archaeology.
- The proposed wildlife corridor is not fit for purpose.
- The developer has already damaged hedgerows casting doubt on the credibility of the proposed wildlife corridors.
- Block of light and falling leaves would be problems caused by the proposed screening.
- The objector's views across open countryside would be ruined.

APPLICANT'S CASE

"There is still a shortfall in the supply of housing land in South Somerset and therefore the relevant housing policies in the Adopted Local Plan cannot be considered up to date.

The NPPF states that where the development Plan is silent or relevant policies are out of date planning permission should be granted unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits. No such adverse impacts exist with this proposal.

There are clear economic and social benefits with the proposal including the provision of affordable housing.

The site occupies a sustainable location in a Rural Centre where there are employment, community, retail and educational facilities. The new residents would not be reliant on the car for travel with good connections for pedestrians, buses etc.

The development has been the subject of discussions with Council Officers and would have limited visual impact.

The site is well related to the existing form of the settlement and represents a natural extension of the built up area.

The Council has previously recognised the site as being only one on the periphery of Milborne Port with a high landscape capacity to accommodate new built development.

The development would accord with the principles set out in the NPPF concerning the promotion of sustainable development."

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Highways
- Visual Amenity
- Residential Amenity
- Planning Obligations

Principle of Development

The Council has presented a report on the five-year housing land supply position to its District Executive Committee on the 5th June 2014. This report stated that the Council can now demonstrate a five-year housing land supply, with appropriate buffer. The meeting accepted the conclusion.

With or without a five-year housing land supply it is important to judge an application on its merits, taking account the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

It should be noted that the policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, particular where there are concerns as to the out-of-date nature of existing policies. The emerging local plan defines Milborne Port as a Rural Centre.

For this proposal reference should be made to emerging Local Plan Policy SS1. Policy SS1 states that in Rural Centres provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement. The emerging local plan, at policy SS5, allocates a housing growth of 279 dwellings within Milborne Port over the plan period, of which there remains 79 to be built. This proposal which indicatively shows the provision of 20 dwellings is well within the residual proposed growth to the settlement, which is in any case a target rather than a maximum. In regard to the sustainability of Milborne Port, it is clear from the inspector's comments in relation to the Wheathill Garden Centre permission, that the settlement has sufficient services and facilities to be considered an environmentally sustainable location for residential development in line with the NPPF.

The emerging local plan does not identify a particular direction of growth for rural centres, so the location of each site must be considered on its own merits and on an individual basis.

In summary, the focus should not be on whether the Council has a five-year land supply or not. It is more important that the impacts and benefits of the scheme are considered appropriately in light of the existing Local Plan, the NPPF and the emerging Local Plan. Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Therefore, although the site is outside the defined development area, and notwithstanding the various objections from the parish council, neighbouring occupiers, and Dorset CPRE in relation to the principle of development in this specific location and within Milborne Port as a whole, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

Highways

Concerns have been raised by neighbouring occupiers, Dorset CPRE, and the parish council regarding the potential impact of the proposed development on the surrounding highway network, in regard to traffic generation and highway safety. The concerns regarding the potential impact relating to highway matters are multiple and various, as are the concerns relating to the accuracy and detail of the submitted transport statement.

The county highway authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment. They have concluded that there is no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highway safety. As such the proposal complies with saved policies ST5, TP1 and TP4 of the local plan.

Parking provision and other matters of detail (footpaths etc.) would be assessed at the reserved matter stage and need not be conditioned at this stage as requested by the highways officer.

Visual Amenity

Various concerns have been raised regarding the impact of the proposal on the character of the area. The SSDC Landscape Architect was consulted as to the visual impacts of the scheme. He noted that the site is surrounded on 3 sides by development form, to make it effectively a potential infill site. He stated that whilst the site is particularly visible in short and mid distance views from higher ground, he considers the site's prime landscape and visual context to be of residential form. He noted that the sites' northern boundary is defined by Court Lane, which generally demarcates the north edge of the settlement, with open farmland beyond. He concluded that the site is sufficiently integrated into the village settlement pattern to be appropriate for development, and stated that there is no landscape objection to the principle of development on this site. He had some minor concerns as to the detailed design, but was satisfied that these could be satisfactorily resolved at the reserved matters stage and through the imposition of a suitable landscaping condition.

On this basis, and subject to the agreement of a suitable design and appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with saved policies EH5, ST5, ST6 and EC3 and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect as to the visual impacts of the scheme.

It has been noted by a neighbouring occupier that the development of land on an adjoining site was applied for and refused due to the visual impacts and a subsequent appeal dismissed. The application in question was refused in 1991. However, the decision was made in different policy context (more than 20 years ago) and on a different site to the application site. It is therefore dissimilar enough that the LPA would be fully entitled to reach a different decision. Furthermore there has been a more recent planning application on the adjoining site, which was refused, but not for reasons of visual amenity, with the case officer considering the impacts to be acceptable.

A neighbour has stated that outline permission is not appropriate as the site is so sensitive that design, layout, and materials should be 'locked in' for any approved scheme. However, the site is not considered to be particularly sensitive in visual amenity terms. As such, an application for outline permission is considered to be perfectly legitimate.

Residential Amenity

Concerns have been raised by the occupiers of neighbouring properties regarding the potential impacts of the development on their residential amenity by way of loss of privacy and outlook, and a general disturbance to the tranquillity of the area. However, subject to the consideration of the layout at reserved matters stage it is not considered that the development of this site would give rise to any loss of privacy to any existing residents in these areas.

A neighbour has raised a concern that the wildlife corridor shown on the indicative plan may amount to a footpath and have stated that they would not want a footpath in such close proximity to their dwelling. However, the indicative layout is indicative only and this type of finer detail cannot be considered as part of this outline application.

A further concern has been raised over the disruption likely to be caused by a construction project, which the village has already endured enough of recently. Although there may have been a number of construction projects recently in the settlement, it would not be reasonable to constrain development because of the cumulative impact of any disruption caused during the construction phase.

Therefore, notwithstanding the concerns of the neighbouring occupiers, it can be concluded that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with policy ST6 of the South Somerset Local Plan.

Planning Obligations

Sport, Art and Leisure - a contribution of £92,492 (or £4,625 per dwelling has been sought. The requested contribution can be broken down as follows:

- Local facilities of £44,829
- Strategic facilities of £28,521
- Commuted sums of £18,226, and
- A Community Health and Leisure Service Administration fee of £916

Affordable Housing - The housing officer has noted the policy requirements for 35% affordable housing split 67:33 social rent: intermediate products. She also noted that further discussion would be necessary to assess the property types required based on data from the Housing Register - Homefinder Somerset.

A section 106 monitoring fee of 20% of the application fee has also been sought.

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.

- Secure the agreed monitoring fee.

The applicant has agreed to these obligations, and the proposal would therefore comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. A screening and scoping assessment was carried out in accordance with the regulations. The screening opinion issued by the LPA was that, given the nature of the site and the type of development proposed, the development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

Other Matters

The application site is classified as Grade 3a agricultural land, which, along with Grade 1 and Grade 2, is considered to be the best and most versatile agricultural land. Paragraph 112 of the NPPF states that:

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

In this case, although the fact that the land is of a higher quality tells against the scheme, it is only one consideration amongst many, and is not considered to outweigh the benefits of the scheme.

It has been argued that as the permission is outline only the developer would not be restricted to the proposed number of house, and that developers may wish to increase the number of units, exacerbating any adverse impacts. Whilst the number of units is not fixed at this stage, it is matter that can be controlled at the reserved matters stage.

Concerns have been raised regarding the impacts of the development on drainage, local flooding, and sewerage. However, the Environment Agency, the SSDC Engineer, and Wessex Water were consulted as to these potential impacts and raised no objections to the scheme. It is considered that drainage arrangements can be adequately controlled through the imposition of a suitable condition on any permission issued.

A neighbour has raised a question over whether the local school can accommodate any growth in pupil numbers generated by the development. The County Education Authority was consulted in this regard and raised no concerns and requested no contributions.

A neighbour has raised a concern regarding the position of a dwelling on the indicate plan within the fall of a major tree. However, the specific siting of individual dwellings has to be considered at the reserved matters stage, and the position of the tree in question is not considered to prejudice the development of the site.

A neighbour has raised a concern that the proposed development is a breach of their human rights. It is difficult to see how this could be the case and the objector does not make this clear.

A concern has been raised that the site is used by a variety of wildlife and is therefore not a prime location for development. The SSDC Ecologist was consulted and raised no objections to the scheme subject to conditions to protect slow worms and to secure biodiversity enhancements. The proposal is therefore not considered to compromise the conservation of any protected species in accordance with local and national policy.

A neighbour has stated that the application should be considered alongside the other nearby proposed development. However, the other scheme has already been determined.

A neighbour has argued that the development should, but will not, contribute to the provision of services within the village. Whilst the proposal is only for residential development, there is no clear evidence that existing services are strained or that the development would in any way overburden such services.

A concern has been raised that the site is inaccurate as it does not show a neighbouring property. However, the impacts of the development have been thoroughly assessed using the LPA's own records and through a site visit by the case officer. The omission from the submitted plans should not constrain the development.

Concerns have been raised that the site is likely to contain important archaeology. However, the site is not in an area of high archaeological potential, nor particularly close to any known heritage assets, either designated or undesignated. As such, the potential impact on buried archaeology is not considered to be significant.

Concerns have been raised over the efficacy and credibility of the proposed wildlife corridor. However, such a corridor is a suggestion on an indicative layout plan and would need to be considered in detail at the reserved matters stage.

A concern has been raised that the proposed screening could cause a loss of light and problems with falling leaves for neighbouring occupiers. However, landscaping is not a matter for consideration at this stage and, again, should be considered as part of a reserved matters application.

Conclusion

Given the limited weight that can be given to policy ST3 of the local plan and the site's location adjacent to the settlement limits of Milborne Port, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

That application reference 14/01055/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the

Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- 1) Secure a contribution of £4,625 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
- 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
- 3) Provide for a S.106 monitoring fee based on 20% of the outline application fee.

b) The following conditions:

01. Notwithstanding the local concerns, the provision of approximately 20 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The site hereby approved for development shall be as shown on the submitted location plan 1120-31 received 07 March 2014.

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

02. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. The Development hereby permitted shall not be commenced until details of appropriate parking on site (in line with the SCC Countywide parking strategy) for each dwelling, including a properly consolidated and surfaced turning space for vehicles has been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

05. Prior to the commencement of the development, a framework for the preparation of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan. Within one year of the first occupation of the buildings hereby approved, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include measurable outputs and arrangements for monitoring and enforcement.

Reason: In the interests of highway safety and sustainable development and in accordance with policy ST5 of the South Somerset Local Plan and the aims and provisions of the NPPF.

06. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the proposed access road junction onto Court Lane and associated works, including footway works on Wick Road (as shown generally in accordance with Peter Evans Partnership Drawing 2495.07) and its means of construction and surface water drainage. The approved access road junction shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 and fully completed prior to commencement of work on site to the satisfaction of the LPA.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

08. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

09. As part of any reserved matters application details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning

Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

10. The development hereby permitted shall not be commenced until such time as a surface water drainage scheme (including a full drainage masterplan and associated drainage calculations) has been submitted to, and approved in writing by, the Local Planning Authority (LPA).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Informatives:

01. You are reminded of the contents of the Environment Agency's letter of 31 March 2014 which is available on the council's web-site.
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