

## Officer Report On Planning Application: 14/04158/OUT

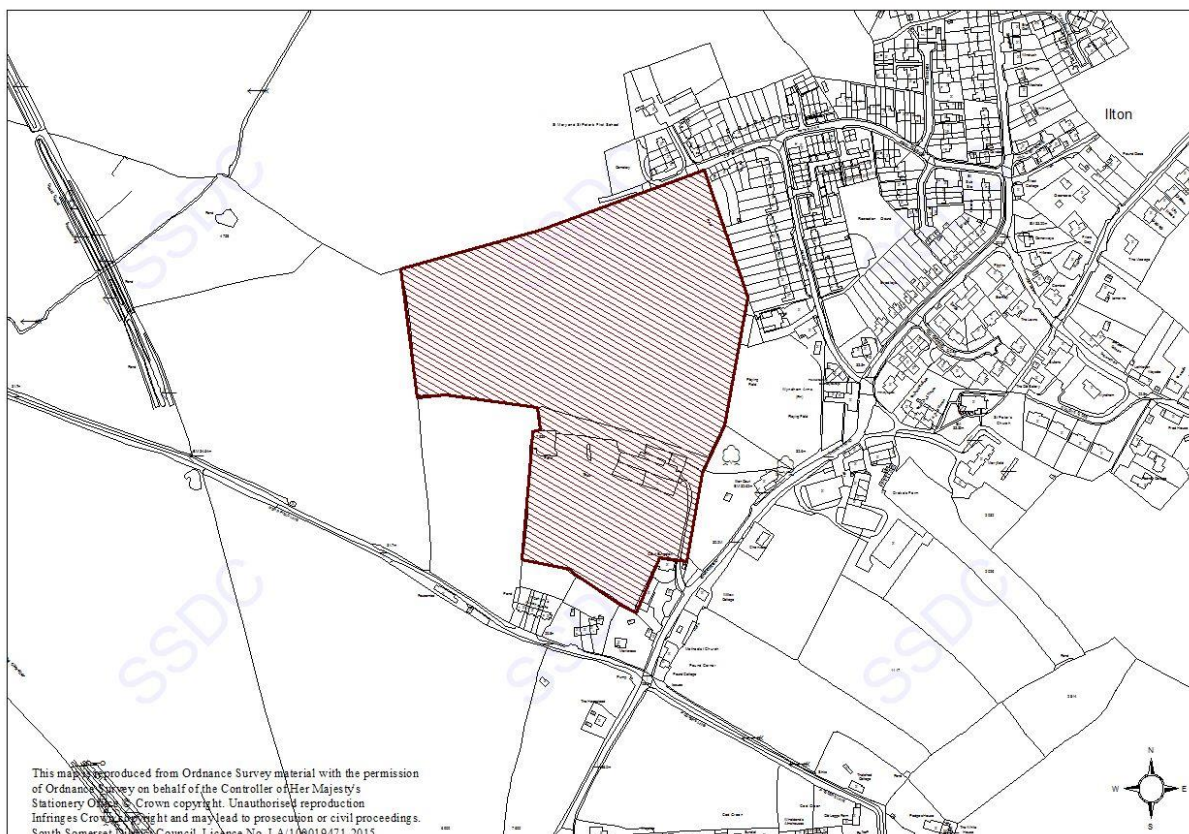
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| <b>Proposal :</b>                  | Demolition of existing agricultural buildings, change of use from agricultural to residential and recreational, the erection of 47 dwellings, improved access and the provision of community sports facilities and additional parking (Outline application) (GR: 334884/117274) |
| <b>Site Address:</b>               | Land At Court Farm, Ilton, Ilminster.   |
| <b>Parish:</b>                     | Ilton   |
| <b>ISLEMOOR Ward (SSDC Member)</b> | Cllr Sue Steele   |
| <b>Recommending Case Officer:</b>  | Dave Norris<br>Tel: 01935 462382 Email: david.norris@southsomerset.gov.uk   |
| <b>Target date :</b>               | 5th January 2015  |
| <b>Applicant :</b>                 | A H Warren Trust Ltd  |
| <b>Agent: (no agent if blank)</b>  | Paul Rowe, Caparo,<br>11 Mervyn Ball Close, Chard TA20 1EJ  |
| <b>Application Type :</b>          | Major Dwlgls 10 or more or site 0.5ha+  |

### REASON FOR REFERRAL TO COMMITTEE

This is a major application outside of the previous development boundaries that seeks to provide community benefits in accordance with policy SS2 of the South Somerset Local Plan. It is considered necessary for elected members to balance the benefits against the impact of the development.

### SITE DESCRIPTION AND PROPOSAL





The application site is located on the western edge of Ilton adjoining the existing Cope Lane development and the cemetery and cricket ground. The site extends to over 8 hectares and is relatively flat and currently used for agriculture purposes. There are a range of redundant agricultural buildings in southern portion of the site next to an existing children's nursery and private dwellings.

The land is in the ownership of the Warren Trust, one of the largest independent organic milk producers in the country. The Trust has a very extensive land ownership in the area and over the years has become involved in more community based projects. The Trust has had a long relationship with Ilton and approached the parish council and district council several years ago in relation to the possibility of working together to produce a scheme that provided the community with certain benefits whilst providing them with a sufficient return on their land. Lengthy discussion have taken place over some time and these have resulted in this application

This is an outline application that seeks to obtain planning permission for up to 47 residential units together with improvements to access onto Church road, the change of use of agricultural field to a recreation ground together with a car park off Cope Lane to serve the cemetery and school.

As part of the discussion with the community the applicants have confirmed that they are agreeable to:

- transferring the proposed recreation land to a public body (parish or district)
- provide the car parking area
- carry out improvements to the access to the village hall and cricket club (will also serve recreation area)
- securing 15 of the units for reduced cost housing

- make a financial contribution towards the physical creation of the recreation ground/facilities (pitches, changing rooms)
- make the required contribution to Strategic Sports and Leisure Facilities

An illustrative layout plan was submitted with the application but this does not form part of the consideration. A detailed drawing of the access was submitted and this is being considered as part of the outline application. Other reports have also been submitted, including: Design and Access Statement, Transport Assessment, Archaeological Assessment, Statement of Community Involvement, Flood Risk Assessment and Ecological Appraisal.

## **HISTORY**

No relevant planning history

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

SD 1 - Sustainable Development  
 SS1 - Settlement Strategy  
 SS2 - Development in Rural Settlements  
 SS6 - Delivering Infrastructure  
 TA5 - Transport Impacts of New Development  
 TA6 - Parking Standards  
 EQ1 - Assessing Climate Change  
 EQ2 - General Development  
 EQ3 - Historic Environment  
 EQ4 - Biodiversity  
 EP15 - Provision of community facilities  
 HW1 - Provision of Open Space, Sports, Community Facilities  
 HG3 - Provision of Affordable Housing  
 HG5 - Achieving a Mix of Market Housing  
 Noise Exposure Zone B - Merryfield  
 TA4 - Travel Plans

National Planning Policy Framework

Chapter 6 - Delivering a choice of High Quality Homes  
 Chapter 7 - Requiring Good Design  
 Chapter 8 - Promoting Healthy Communities  
 Chapter 10 - Flooding and Climate Change  
 Chapter 11 - Conserving Natural Environment  
 Chapter 12 - Conserving Historic Environment

## **CONSULTATIONS**

**Ilton Parish Council** - In favour of the proposal

**County Council Highway Authority** - No objection subject to conditions.

**County Council Rights of Way** - A footpath does currently run-through the site and it will be necessary for the developer to agree a diversion. There should be no encroachment on the existing footpath during construction.

**Council's Landscape Officer** - This is a large edge of village application that is justified on the basis that it is achieving benefits for the community. The indicative layout should be discounted and detailed discussions will need to take place prior to the submission of the reserved matters application in relation to the layout of the development, densities, landscaping etc.

**Environment Agency** - No objection subject to conditions

**Somerset Drainage Boards Consortium** - No objection subject to conditions

**Wessex Water** - No objection subject to conditions

**SSDC Environmental Protection Unit** - Dwellings should incorporate noise insulation within construction.

**SSDC Housing Development Officer** - Policy requires that 35% of the units be affordable housing with the majority of these being available for social rent

**Crime Prevention Design Officer** - At detailed design stage particular attention needs to be given to alleyways and accesses to ensure adequate surveillance. Also need to consider any units that directly back on to the playing field.

**Council's Ecologist** - Satisfied that ecology has been adequately considered however further survey of Great Crested Newts will need to be carried out prior to formal determination of application.

**Somerset Wildlife Trust** - Request that formal survey be carried out.

**Ministry of Defence - Defence Infrastructure** - No objection

**South West Heritage (Archaeology)** - Awaiting comments

**County Education** - No formal comments received however it is understood that at the pre-application stage the County Officer confirmed that there was adequate capacity within Ilton school and that they would not be seeking any other contributions.

**Community Health and Leisure** - Have requested contributions based upon the standard formula. Are very aware of the current issues with the lack of play provision within the village and support the offer to provide land and financial contributions. Clarification will be required in relation to various details and are happy for negotiations to take place prior to the formal decision being made.

**Area Development (North)** - My team strongly support the community benefits identified from this development, and can confirm our understanding of strong / broad community support. This project is community driven and residents have been involved from the outset. It is a top

priority within the Area North (Community) Development Plan for the Islemoor ward.

As you have probably guessed by now, we support this application. My only caveat is to ensure that the potentially complex relationship between the application and its obligations are clearly set out and agreed in writing to the joint satisfaction of the LPA, parish council, and developer.

The development will address the currently unmet recreational needs of this large village as well as providing some additional affordable housing for local people. There is a good working relationship between the developer and the community which both sides are keen to develop as the project progresses.

Whilst there is now good provision for younger children, there is little in the way of recreational facilities for older children and adults. A recent attempt to revive football within the village was thwarted when the temporary pitch was found to be unusable and therefore the participants had to relocate to Ilminster. The new play equipment recently installed for young children has been well received, with comments on facebook referring to the need to provide something for the older members of the village by way of good recreational facilities.

I am aware the affordable housing proposed is of a different model to the usual. According to the 2011 census, 14.1% of Ilton's housing is social rented, compared with 8.7% in Long Sutton, 3.9% in Keinton Mandeville and 7% in High Ham (villages of a similar size). Given the level of local support, this development appears to compliment what is available, and is part of the innovative approach taken by the Warren Trust to make a lasting investment in this community.

**Community involvement and support** - The parish council is fully supportive of the planning application, arguing for the need for a good recreational facility for this large village. The proposal has been on the PC agenda for the last couple of years as an on-going agenda item and the community has been encouraged to take part in discussions through this means as well as others. Before that, we have worked with Ilton Parish Council and others, to consider the options to provide improved local facilities, particularly in the light of the impact of the past Copse Lane development upon the capacity of the recreation ground.

Evidence of community support can be found amongst comments on the active Ilton Rec facebook page as well as those received during the public consultation run in conjunction with SSDC's Senior Play & Youth Facilities Officer in August 2014.

The cricket club and village hall are immediate neighbours of the proposed site and have been actively involved in discussions through the local steering group. Both groups are fully supportive of the project and have expressed their determination to work together to achieve the best possible outcome for the village.

## **REPRESENTATIONS**

Letters were sent to neighbouring properties and the application was advertised.

5 letters of support were received making the following comments:

- additional development and facilities will make the village more sustainable
- the scheme needs to be developed asap
- the existing park is no longer suitable for older children
- I organise the village football and we need the pitch badly
- scheme will help the local school
- additional housing may help to sustain a shop
- support the development on the basis that we do not need any additional affordable

housing

- increase new blood into the village
- new facilities will unite the community
- benefits outweigh disadvantages

6 letters of objection have been received making the following points:

- impact upon outlook
- noise and light pollution
- increased volume of traffic on dangerous road that already has traffic calming and next to a children's nursery
- the access road is too narrow as is the public highway
- Transport Assessment is misleading
- access should be via Copse Lane
- no need for new housing as the shop post office has gone and pub is struggling. Furthermore, kids go and play their football in Ilminster and there is no need for a pitch in Ilton. What about the old people?
- water pressure is already poor
- concern about impact upon archaeology
- concern upon flooding and drainage and road and house have been flooded
- concern about ecological impact
- impact of helicopter noise upon residents
- community input was limited due to lack of publicity
- questioning the jobs in the area
- does not comply with SS2 as there has not been meaningful community engagement
- adjoining dwellings should be protected with a Buffer Zone
- loss of valuable farmland
- several residents have already put their houses up for sale because of this proposal
- lack of public transport

One letter was also received from the adjoining cricket club making the following points:

- need to reach agreement on improvements to access
- have not yet agreed detail on re-siting nets

## **CONSIDERATIONS**

### **Principle of Development**

Ilton is identified as a 'Rural Settlement' within the recently adopted South Somerset Local Plan and any proposals have to be assessed against Policy SS2. It is considered necessary to quote this policy verbatim as it is essential to understanding the acceptability of this scheme.

### **POLICY SS2: DEVELOPMENT IN RURAL SETTLEMENTS**

Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.

Proposals should be consistent with relevant community led plans, and should generally have

the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services.

This policy is accompanied by text that lists the necessary services and they include school, church, play area, shop, pub etc. The text also indicates that Policy SS2 is likely to be suitable for schemes of up to 50 units.

This application is being justified primarily on the basis that it achieves the second bullet point (creation of enhancement of community facilities) and it is recommended that members read the comments submitted by the Area Development team as these clearly explain the evolution of the project and the need for the additional facilities.

The support from the parish council and the Area Development and Community Health and Leisure officers is clear evidence that there is a need for these facilities and therefore the

Comments have been received from a couple of neighbours in respect of the way in which the wider community were consulted upon this project. South Somerset's Area Development Officers have been working with the Parish Council throughout the process and it is clear from their comments that they believe that there has been effective engagement with the parishioners.

### **Highway Safety**

The residential development will be served by the existing access to the farm. This is located on the south western edge of the village and immediately adjoins the traffic calming measures that have been installed. The application was also accompanied by a full Transport Assessment that identified traffic flows and gave information in relation to any previous traffic incidents in the area.

The County Highway Authority have assessed the application and have provided a comprehensive response confirming that they do not object to the scheme subject to the imposition of appropriate planning conditions.

Comments have been raised by neighbours in relation to the unacceptability of the proposal and some have suggested that the access be off Copse lane. Whilst this may benefit those who will adjoin the proposed access it would result in up to 47 dwellings having to gain access from a fairly narrow estate road and it is considered that the proposed access directly onto Church Road is a preferable solution.

### **Amenity and Design**

As this is an outline scheme the actual detail of the scheme is not yet being considered. It is considered that the site can accommodate up to 47 units and that a layout can be achieved that will result in a scheme that is appropriate for this edge of settlement site.

Neighbouring properties have raised concerns about potential overlooking and this is understandable as the indicative layout does result in some unacceptable relationships between properties. Attention will be paid to the distances between properties at the Reserved Matters stage, particularly the potential impact upon Court Bungalow.

Neighbours that adjoin the access have understandably raised concerns about the impact of the additional vehicles on them in terms of safety and disturbance however it is not considered that this impact is so significant as to justify a reason for refusal.

The site does lie within one of the Noise Exposure Zones for Merryfield Airfield. The exposure is within Category B which means that new housing requires appropriate sound insulation.

The extension of the recreation ground and the creation of a small parking area is not considered to have a harmful impact upon the residents of the property that adjoin the land. Furthermore it is not agreed that an unacceptable level of light or noise pollution will occur and the actual detail of the sports facilities will result from further community consultation.

### **Flood Risk/Surface Water**

The applicant has been in regular discussion with the Environment Agency and this has resulted in a scheme being submitted that provides detail of the method of ensuring that surface water is controlled within the development site.

Wessex Water have not highlighted any issues in relation to water pressure in the area

### **Landscape Impact**

The Landscape Officer acknowledges that this is a large edge of village scheme that presents a challenge in ensuring that it will successfully integrate with the village. It will be essential for the Landscape officer to play a significant part in the negotiation of the actual layout, design (inc. landscaping) to ensure that the quality of the development is appropriate for this location.

### **Ecology**

Surveys have been carried out that demonstrate that there is no issue in relation to protected species. However, the survey does indicate potential for Great Crested Newts within a water collection area and it will be necessary for the applicant to carry out a detailed survey. Should members support this application then it will not be possible to issue the consent until this issue has been properly assessed in the early summer.

### **Loss of Agricultural Land**

It is understood that the land in question falls within the NPPF definition of the Best and Most Versatile Land and as such there needs to be consideration of any loss. The dwellings are located mainly on the area of the farm buildings and yard with the productive agricultural land being used as the recreation ground. As this is the only land that adjoins the recreation ground then it is the only opportunity to extend it and therefore the development cannot take place elsewhere. Furthermore, the use of the land as playing fields means that it is not lost to development forever.

### **Affordable Housing**

Policy HG3 of the Local Plan requires that 35% of the units be affordable housing with these being split between social rented and another affordable product (shared ownership, reduced market cost etc). As part of the overall package, the applicant has offered 15 affordable units but has requested that these be maintained at 80% of market value rather than social rent as the surrounding area has recently benefitted from a Yarlinton redevelopment that produced a significant increase in the amount of social rented accommodation in the immediate area. The Area Development Team have provided evidence to explain that Ilton does have a high ratio of affordable units when compared with other settlements in Area North.

The applicants have indicated that as they are a Trust they would like to be involved in the allocation of the affordable units and retain an interest thereby ensuring that the 15 units will



benefit local people in perpetuity.

### **Impact upon Heritage Assets**

There is one listed building near to the site (Ilton Court) but it is considered that the distances involved and the natural screening that exists will ensure that there is no adverse impact upon the setting of this building.

### **Archaeology**

The applicant has carried out some additional survey work as requested by the county archaeologist however no response has been received at the time of writing this report. Members will be provided with an update at the meeting.

### **Rights of Way**

The development is likely to impact upon the current route of the footpath and it will be necessary to amend the route so as to ensure minimum conflict between walkers and other users of the recreation ground. It is considered that there is sufficient space to allow an acceptable alternative to be achieved.

## **OTHER ISSUES**

### **Summary**

It is considered that this proposal has evolved through lengthy discussions between the landowners and the community and represents an excellent example of the way in which Policy SS2 was intended to be used. The provision of 47 dwellings in a settlement that benefits from a range of facilities is acceptable in principle but the inclusion of additional infrastructure would ensure that the wider community will benefit from the scheme.

Aside from the benefits that are being secured, it is considered that this is an appropriate scale of development for the village that can be accommodated without any resulting in any significant harm to the character of the area. Furthermore, all of the other relevant planning issues have been properly considered (highways, drainage etc) and there is no evidence to suggest that this development cannot be successfully achieved.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Negotiations to secure:

- additional playing field land
- car park extension
- reduced cost open market housing
- contributions towards local and strategic facilities

These negotiations will include the relevant officers together with the ward member and the parish council.

## **RECOMMENDATION**

That subject to the submission of an acceptable Newt Survey (inc. mitigation measures if appropriate) the application be granted conditional approval subject to the successful completion of an appropriate Section 106 agreement.

01. It is considered that the development of up to 47 dwellings is of an appropriate scale for Ilton, a settlement that benefits from a wide range of facilities. Furthermore, the provision of affordable housing together with additional leisure and sports provision will enhance the community facilities to meet the needs of the new residents whilst addressing existing deficiencies that have been identified by the parish. The proposed site is considered to be acceptable in terms of access/highways, landscape impact, amenity, flooding, etc and it is therefore considered that the benefits of the development significantly outweighs any harm that may arise.

### **SUBJECT TO THE FOLLOWING:**

01. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. 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 three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

Reason: To ensure that the detail of the development can be properly considered.

03. The site hereby approved for development shall be as shown on the site plan AHWTSVISP1 Site Plan and access detail 14713/T03 contained within the Transport Assessment (received on 11th Sept 2014).

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

04. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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 in accordance with EQ1 and EQ2 of the South Somerset Local Plan.

05. No development 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 and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

06. No works shall commence on the construction of any dwelling unless the access has been formed in accordance with drawing 14713/T03 contained within the Transport Assessment (received on 11th Sept 2014). 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 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 brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and to accord with EQ1 and TA5 of the South Somerset Local Plan.

07. No works shall commence unless an appropriate right of discharge of surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved drawings.

Reason: To ensure that surface water is adequately dealt with and to prevent discharge onto the public highway

08. The reserved matters application shall include full details of parking and turning within the development. The areas approved for such purposes shall be properly formed and consolidated in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The identified areas shall thereafter be used for the identified purpose and kept clear of all other obstruction.

Reason: To ensure that there is adequate parking and turning within the development and to accord with TA6 of the South Somerset Local Plan.

09. No construction of the dwellings hereby approved shall commence unless a scheme of sound insulation has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved specification.

Reason: In the interests of residential amenity and to accord with EQ2 of the South Somerset Local Plan.

10. The development hereby permitted shall not be commenced until a programme showing the phasing of the development has been submitted to and approved by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: To ensure that the development and associated infrastructure is delivered at the appropriate time and to accord with EQ2 and HW1 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced until such time as the public right of way has either been stopped up or diverted in accordance with any of the following:
  - a) An Order made by the Secretary of State for the Environment Transport and Regions under Section 247 of the Town and Country Planning Act 1990.
  - b) An Order made by the Local Planning Authority under Section 257 of the said Act 1990, or
  - c) An Order made by a Magistrates' Court under Part VIIA of the Highways Act 1980.

Reason: To ensure that an appropriate quality of public access is maintained.

12. Archaeological Conditions as required.

13. Ecology conditions as required.

14. The Reserved Matters application shall be accompanied by a waste and recycling strategy that includes provision for waste collection points, recycling facilities etc. The approved scheme/measures shall be carried out prior to the occupation of any dwelling and shall thereafter be permanently maintained.

Reason: In the interests of good planning and to accord with EQ2 of the South Somerset Local Plan and provisions with the Somerset Waste Plan.

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