

## **Officer Report On Planning Application: 17/03673/OUT\*\***

<b>Proposal :</b>	Residential dwellings with associated access, landscape and public open space.
<b>Site Address:</b>	Land East Of Holywell West Coker Road Yeovil
<b>Parish:</b>	East Coker
<b>COKER Ward (SSDC Member)</b>	Cllr G Seaton Cllr N Clark
<b>Recommending Case Officer:</b>	Linda Hayden - Specialist
<b>Target date :</b>	14th December 2017
<b>Applicant :</b>	Mr John Cullan
<b>Agent: (no agent if blank)</b>	Brooke Smith Planning (Arcadis) Cornerblock 1st Floor 2 Cornwall Street Birmingham B3 2DX
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### **Reason for referral to Committee**

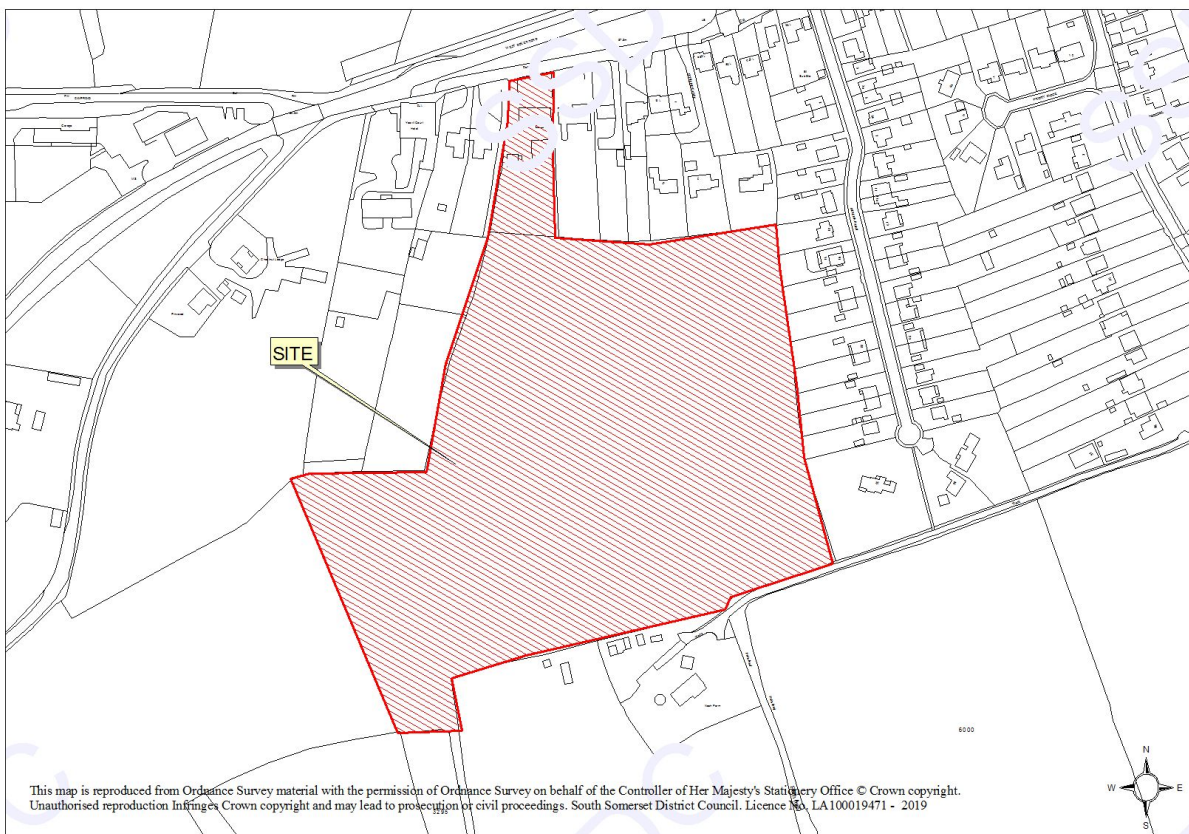
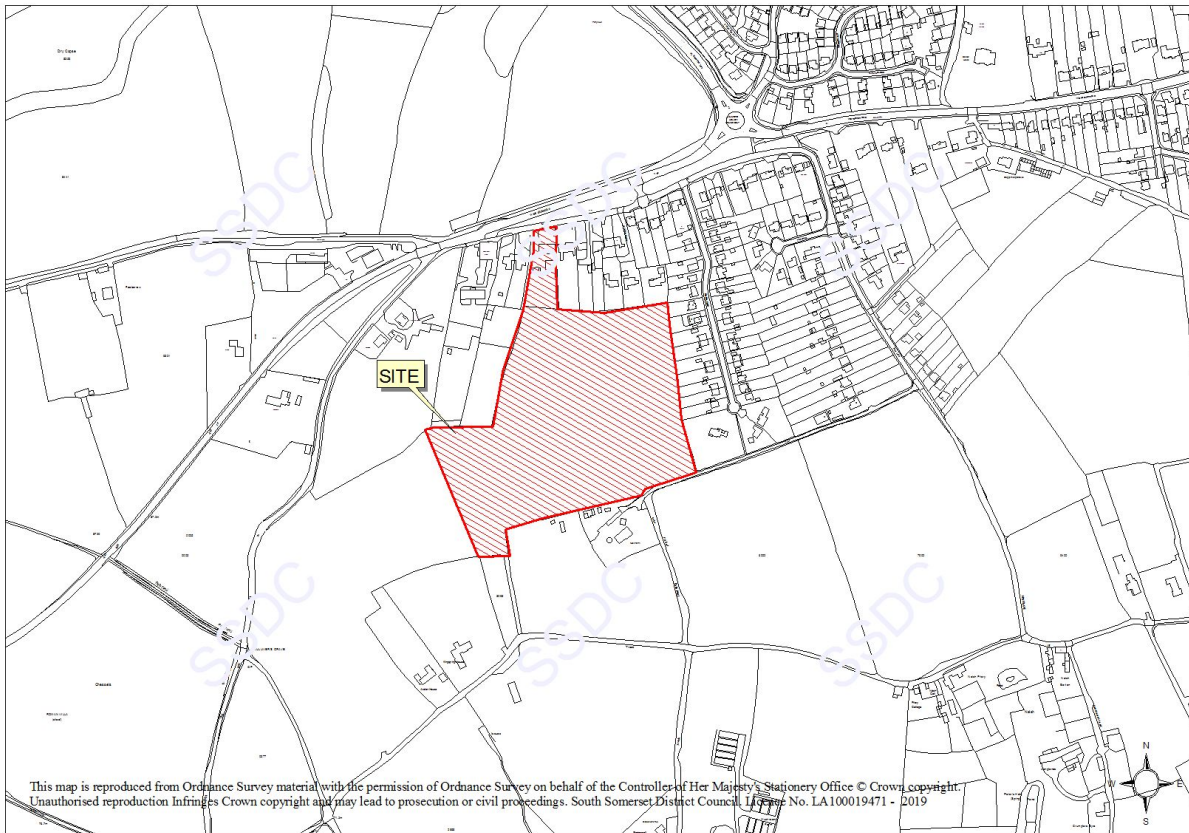
Members may recall that they considered this application on 2 May 2018 when they agreed with the recommendation to approve the application (with additional conditions and an informative) subject to a s106 legal agreement to secure financial contributions towards sports and play facilities, education, highway improvements, and provision of affordable housing, landscaping and a bus shelter (full details at the end of this report). The agent has advised that the site is in multiple ownership and it has not been possible to agree terms within the owners of part of the site (the paddock to the rear of Nos. 171 - 173), which is hampering completion of the necessary S.106 agreement and therefore a timely grant of planning permission. Therefore, amended plans have been submitted to exclude the paddock to the rear of Nos. 171 - 173 West Coker Road and the access strip to this paddock to the side (east) of No. 171 West Coker Road, in the north west corner application site. The reduced application site now extends to 5.4 hectares in area, the description of development remains as originally considered by the Committee (no overall quantum of development is prescribed by the existing resolution (95 No. dwellings is referred to by the supporting documentation)).

As with the previous report, this application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2-starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

The following report has been updated from that previously considered in order to consider policy changes and the amended plans.

## Site Description and Proposal



The application site lies within East Coker parish and comprises an agricultural field bordered by residential development at West Coker Road to the north and Helena Road to the east, Nash Farm and a couple of properties set in large grounds to the south and by Chestnut Lodge and Pinwood (White Post Turf) and the Yeovil Court Hotel to the west. Beyond the immediate environs to the south east is Naish Priory, a Grade I listed building and Naish Cottage, a Grade II listed building.

Amounting to just over 5 hectares, the amended site gently falls consistently from north to south. The southern boundary comprises mature hedgerows with a number of trees; the northern and east boundaries are largely shared with residential properties and are more varied with hedging and fencing. To the west the site is open as the application site forms part of a larger field. The site forms part of a larger site that was subject to an application for residential development (approx. 144 dwellings) that was refused in 2014 with a subsequent appeal being dismissed (13/01791/OUT).

The site is outside the development limit as defined in the 2015 Local Plan. However, Yeovil is identified as the prime focus for development in South Somerset with the Local Plan.

This outline application with all matters reserved for later approval except means of access, seeks to develop the site for residential purposes in the region of 95 dwellings. The application includes an indicative site layout.

In detail the scheme seeks:

- to provide 35% affordable housing,
- new access to be created on land currently occupied by No. 169 West Coker Road. The access road will connect the development to the wider highway network via West Coker Road.
- to provide a Locally Equipped Area for Play (LEAP),
- to provide areas of public open space,
- create cycle/pedestrian link to Nash Lane in south east corner,
- 10% of dwellings to be bungalows and located along the north-eastern/eastern edge of the site
- create shelter belt in the southwest corner to include amenity space, and
- retain prominent mature trees including the TPO in the grounds of No.169.

The applicant has also submitted the following documentation in support of the application:

- Design and Access Statement
- Planning Statement
- Tree Survey, Assessment and Landscape Design
- Tree Survey Constraints and Protection Plan
- Phase 1 Habitat Survey
- Ecology Combined Survey Report
- Flood Risk Assessment and Drainage Strategy
- Phase 1 Geo-environmental Risk Assessment
- Landscape and Visual Impact Assessment
- Transport Assessment
- Travel Plan
- Heritage Desk Based Assessment
- Archaeological Evaluation Report

A small convenience store is located within the nearby service station to the east and this proposal includes improving general pedestrian/cycle access to this local facility. The same links will also improve access to the bus stop located on the north side of West Coker Road near the Camp Hill/Holywell junction serving buses heading towards the town centre. A new bus-stop layby will be created on the southern side of West Coker Road, serving westbound travellers. These works should be viewed in tandem with those works secured via the Bunford Heights application (13/01869/OUT).

## **HISTORY**

13/01791/OUT - Residential development with associated access, landscape and public open space. Refused 10/11/2014, subsequent appeal dismissed 8/2/2016.

13/01795/EIASS: Request for a screening opinion concerning proposed development: No EIA required: 03/05/2013

No.169 West Coker Rd-

13/02051/FUL: Application for a new planning permission to replace extant approval 10/02010/FUL for the demolition of existing dwelling and the construction of 2 No. detached dwellings with garages and the construction of vehicular access: Application permitted with conditions: 18/07/2013

10/02010/FUL: The demolition of existing dwelling and the construction of 2 No. detached dwellings with garages and the construction of vehicular access: Application permitted with conditions: 27/07/2010

07/01067/FUL: The demolition of existing dwelling and the construction of 2 No. detached dwellings with garages (Re-Submission): Application permitted with conditions: 26/04/2007

Other relevant applications:

Bunford Heights - on northern side of West Coker Rd opposite site access -

13/01869/OUT: Residential development, associated landscaping, open space and new vehicular access: Approved 9/11/2015.

18/00176/REM: Application for Reserved Matters following approval 13/01869/OUT to include approval of appearance, landscaping, layout and scale for the erection of 97 dwellings. Approved 6/9/2018 and currently under construction.

18/00324/DPO: Application to modify a S106 agreement between Abbey Manor Developments Ltd and Edward Nicholas Braybon Clive-Ponsonby-Fayne and South Somerset District Council dated 6th November 2015 in relation to affordable dwellings. Pending consideration.

## **POLICY**

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy, Yeovil is defined as a Strategically Significant Town and the prime focus for development in South Somerset.

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy HG3 - Provision of Affordable Housing

Policy HG5 - Achieving a Mix of Market Housing

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity  
Policy TA3 - Sustainable Travel at Chard and Yeovil  
Policy TA4 - Travel Plans  
Policy TA5 - Transport Impact of New Development  
Policy TA6 - Parking Standards  
Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

#### National Planning Policy Framework

4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

(Note: In August 2018 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 73 of the NPPF. In such circumstances paragraph 11 d) In relation to decision taking is engaged, this states:-

*"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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."*

Footnote 7 to Paragraph 11 explains that:

*"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."*

#### Planning Policy Guidance

Climate change  
Conserving and enhancing the historic environment  
Design  
Natural Environment  
Open space, sports and recreation facilities, public rights of way and local green space  
Planning obligations  
Travel plans, transport assessments and statements in decision making  
Tree preservation orders and trees in conservation areas

#### East Coker Neighbourhood Plan

Policies in this plan that are relevant to this application are set out below:

- Policy EC1 - Presumption in favour of sustainable development
- Policy EC2 - Community Infrastructure Levy and /or Section 106 Agreements
- Policy ECH1 - Housing provision
- Policy ECH2 - General housing considerations
- Policy ECH3 - External space requirements
- Policy ECT1 - Walking, cycle routes and bridleways as part of new development
- Policy ECT3 - Parking and accessibility
- Policy ECCN2 - General design
- Policy ECCN3 - General landscape character
- Policy ECCN5 - Natural environment

#### Other

Somerset County Council Parking Strategy (March 2012)

### **CONSULTATIONS**

#### East Coker Parish Council:

Objected to the original application for the following reasons:

- *The loss of the best and most versatile, Grade 1, agricultural land*
- *The impact upon the local highway network, which is already considered to be near capacity at peak times.*
- *Detrimental to road safety with dangerous junctions in the vicinity and the cul de sac of the old A30 towards the Yeovil Court Hotel will become a thoroughfare.*
- *A detrimental impact upon the landscape with it extending beyond the current built form and causing harm to the settings of Nash Lane, Helena Road and Higher Burton.*
- *It is contrary to the SSDC Local Plan (2006-2028) and the advanced stages of the East Coker Neighbourhood Plan.*
- *The impact of light pollution upon dark skies.*
- *Local schools and amenities are already at full capacity.*
- *The density proposed is significantly greater than the surrounding area.'*

In response to the amended plans, the Parish Council acknowledges that the development site has become smaller and they do not object to this but their initial objections do still stand.

#### West Coker Parish Council (neighbouring parish):

The Parish Council agreed to unanimously object to the original proposal on the following grounds:

*'The Highway (A30) already struggles with the current traffic load and is not suitable for a higher volume of traffic this side of the Bunford Hollow roundabout.*

*The land to be developed is Grade I Agricultural Land and should not be used for development.*

*The development planned is not in keeping with the area - currently there are two linear roads of about 30 houses per road, on good sized plots; Helena Road and Nash Lane and this development is completely out of keeping with that setting.*

*This development should not be built in the curtilage of a Grade I house, The Priory.*

*The number of houses makes the development an excessively large development in an established, quiet, rural area in the Parish of East Coker.*

*The immediate area is within the Parish of East Coker and East Coker Parish has a policy of 'dark skies' (no street lighting).*

*The development is too close to the back of houses on Helena Road.*

*There isn't a local primary school capable of taking the extra numbers of children and therefore traffic will be travelling to school outside of the area.*

*The development could easily be included in the identified development area of the Bunford site or the proposed commercial area where a Sainsbury's may be built, especially since the Western Corridor improvements would be more capable of taking the extra traffic. This site appears to be unlimited.*

*In addition West Coker would like to support East Coker in their comments on the development.'*

In response to the amended plans, the Parish Council have advised that their previous objection still stands.

Highways Authority (Somerset CC):

In response to original application:

*'For the avoidance of doubt, the Highway Authority does not wish to raise an objection to the planning application for the reasons that have been laid out below.*

*I am aware that the Highway Authority has provided comments on this application previously in 2013, application number 13/01791/OUT. The Highway Authority did not raise an objection in that planning application and the right turn lane was deemed necessary.*

*It should be noted by the applicant 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). This will include any private roads/drives that serve more than 2 dwellings.*

*This application is to construct a total of 95 dwellings, a reduction from planning application 13/01791/OUT, which proposed a total of 144 dwellings, ergo this current planning application represents a reduction of 49 dwellings. It would be unreasonable for the Highway Authority to raise an objection to this application on traffic generation having raised no objections to the previous application.*

*The current proposal will utilise a right turn lane into the development site which was also proposed as part of the previous planning application. It is noted that the highway infrastructure as proposed with this development would need to include a link to the garage at White Post. When consulting drawing number 11 Revision B it is apparent that there is a proposed pedestrian link to the bus stop but the Highway Authority and it would be advantageous for the footway to continue to Camp Road, the road adjacent to White Post Garage, but this did not form part of the original proposal.*

Estate Road Comments

*The applicant has provided an indicative layout of the proposal and although at this stage the application does not deal with the internal layout, the following comments (but not limited these) would*

*need to be considered during the Reserved Matters Stage.*

*Proposed dimensions can be checked at the Reserved Matters Stage but should be in accordance with our SCC Estate Roads Design Guidance. The lengths of straight sections of road should be no longer than 70m, any longer and a speed reducing feature must be incorporated.*

*Parking spaces to be a minimum of 5.0m long, except when in front of a boundary wall (5.5m) or when in front of an 'up and over' garage door (6.0m). Longitudinal spaces should be 10.5m in length and ambiguous 'in-between' lengths should be avoided as people try to squeeze an extra car in which then overhangs the proposed Highway. The Developer should review their parking space lengths at this stage to avoid issues further down the line.*

*There must be parking in line with the Somerset Parking Strategy (SPS) and access to electric car charging points. Any garages would need to be constructed in accordance with the SPS where a single garage has minimum dimensions of 6x3 metres and a double garage is 6x6 metres.*

*There must be suitable turning heads as per Somerset County Councils Estate Roads Design Guidance for all estate roads within the development.*

*If there are areas which the Developer would like to put forward for adoption this will need to be discussed at the technical detail stage and no presumption should be made that all areas would be adopted.*

*It is unclear from the site layout drawing how the dwellings located surrounding the proposed children's play area will have vehicular access and this would need to be clearly shown at the Reserved Matters Stage of the application.*

*The Developer will be held responsible for any damage caused to public highways by construction traffic proceeding to or from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs will be taken by the Developer representative in the presence of the SCC representative showing the condition of the existing public highway adjacent to the site, and a schedule of defects agreed prior to works commencing on site.*

### Safety & Alignment

*The applicant has proposed to utilise a ghost right turn lane into the site with a pedestrian crossing and the following comments relate to the access arrangements to the site as well as the non-motorised users.*

*When looking at the right turn lane dimensions, it is noted from the drawing number 11 revision B that a direct taper length of 5m is to be provided. This is too short for the current posted speed limit and should be 15m.*

*It is noted that the pedestrian island will mean that there will be a running carriageway edge of 3.5 metres for the east and west running carriageway edges. It is unlikely that the Highway Authority would raise an objection to this, however this is subject to comments that would need to be made by Avon & Somerset Police Traffic Management Unit. Should this be identified by them as an abnormal load route then the width would need to be 4.3metres as a minimum.*

*No highway lighting details has been provided in this application and the applicant would need to speak to the highway lighting team to understand what would be required for this development.*

*It is noted that there are currently some signs that would need to be relocated to ensure that there are no conflicts between these signs and non-motorised users.*



## Travel Plan

*The original Travel Plan was submitted back in 2014 for a total of 144 houses. The applicant would need to ensure that the following changes are made to the Travel Plan:*

*Update table 4.2 to remove to remove Nippy bus as they have ceased trading and add new operator.*

*Update table 6.1 to remove reference to Moving Forward and replace with Travel Somerset. Remove reference to Somerset Liftshare and just use Liftshare.*

*A safeguarding sum of £15,625 needs to be committed to in 7.7 rather than an annual fund of £1,091 for 5 years.*

## Drainage

*The Environment Agency (EA) maps indicate that this site is located over a major aquifer but not within a Groundwater Source Protection Zone. It is assumed that the EA will comment as Statutory Consultee as to the suitability or otherwise of a soakaway in this location.*

*The recommendation to utilise permeable paving for private roads and shared access roads is noted but as identified within the report permeable paving doesn't currently accord with our adoption standards and any areas constructed as such will have to remain private. There may implications under the Advance Payments code for any private roads that have to remain private as a result of their construction specification. Particular attention needs to be taken to the design of permeable paved areas where they abut the prospective highway.*

*It should be accepted that the highway authority will not look to adopt the infiltration pond and will require rights to be granted in perpetuity to discharge run-off from the highway into the pond. Easements will also be required (extents to be agreed) for all highway drainage that extends beyond the prospective public highway and also to enable the highway authority to undertake urgent maintenance in default to the pond to protect the outfall from the highway drainage system. Suitable access facilities should be provided to enable a tanker/jetter to park off-carriageway to maintain the inlet and outfall in the pond.*

*The percolation tests undertaken would indicate that the underlying strata is conducive to infiltration and it is expected that further tests would be undertaken in support of the detailed design proposals. It is noted that the infiltration results are established from a single percolation test in each trial pit and the BRE365 calls for the infiltration rate to be established from 3 cycles of testing. There is a potential therefore that a lower infiltration rate will need to be used in the detailed design which would increase the size of the pond.*

*Comment is made within the Drainage Strategy section (Section 4 p12) relating to the underlying Yeovil sands being vulnerable to erosion and washout. It goes on to mention that infiltration drainage should therefore be distributed around the site rather than concentrated at a single infiltration tank or basin. This would appear to conflict with the drainage strategy given that an infiltration basin/tank appears to proposed to cater for highway surface water runoff.*

*The comment relating to the use of linked infiltration basins alongside the road through the public open space areas is noted. The designer will need to carefully consider the proximity of the feature in relation to the highway in terms of safety and future maintenance operations.*

## Conclusions and recommendations

*Taking the above into account, the Highway Authority does not wish to raise an objection to the*

*application, subject to a suitable Travel Plan being secured within a Section 106 legal agreement.'*

The County Highway Authority recommends a number of conditions and informatives should the Local Planning Authority grant planning consent.

The County Highway Authority has confirmed that it has no objection to the amended plans having had regard to the fact that the road layout and footway links are being retained as approved.

SCC Rights of Way:

In response to original plans:

Recommends a bridleway link between the estate road and the restricted byway in the south east corner of the development site which can be captured through a s.38 highways agreement.

Advises that the health and safety of the public using the public rights of way must be taken into account during construction.

In response to amended plans recommend the imposition of an informative regarding rights of way.

SSC Archaeologist:

In response to original plans:

Advises that an archaeological evaluation carried out on the site as part of a previous application showed that there are archaeological remains in part of the site reflecting prehistoric activity. Therefore he recommends two conditions; one requiring an archaeological programme of works in accordance with a written statement and one restricting occupation until the archaeological investigation and post-excavation analysis has been completed.

Historic England:

Did not wish to offer any comments on the original plans and suggested that the advice of the Council's own conservation and archaeological advisers is sought.

*(Response to previous application 13/01791/OUT: "I can confirm that in our view the proposals would not present 'substantial harm' (NPPF 132-134) to designated assets forming part of the historic environment and thus we do not wish to raise any objection on this occasion".)*

Do not wish to comment upon the amended proposals and reconfirm their advice that the Council's own conservation and archaeological advisers is sought.

SSDC Landscape Architect:

In response to original plans:

*'...as advised with the previous application, the proposal field lays within the scope of the peripheral landscape study (PLS) of Yeovil, which was undertaken during September 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to; <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>*

*The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic*

summary of the preceding evaluation. Fig 5 indicates that the field subject of this application is evaluated as having a moderate-high capacity to accommodate built development. Consequently, if a need for additional housing relative to Yeovil is identified, then from a landscape perspective, the site identified by this revised application is an area where development could be undertaken without too adverse an impact upon the landscape. This view was endorsed at appeal by the Planning Inspector in his assessment of the site, November 2015. Consequently there is no landscape objection to the principle of development on this revised application site.

The application has included an LVIA (landscape and visual impact assessment) which has assessed the potential visibility of the site, and the likely effects of development upon the site's fabric and its surrounds. It considers the site to be of low landscape sensitivity, and well-related to the existing residential area and consented built form of the town, with an assessed minor/moderate character impact capable of mitigation. Visually, it considers the effects of development to be moderate/minor adverse in the immediate vicinity, but no greater than low when considered from further afield. In short, it confirms the landscape conclusions of the PLS, and Appeal Inspector. The LVIA also includes suggestions for appropriate mitigation, including the retention and management of the specimen oaks and boundary hedgerows; the provision of a new woody area in the southwest corner, to define and contain the site; and open space to raise site amenity, and break up housing mass. I agree these mitigation elements to be appropriate, as are the outline specification and species mixes proposed in section 6 of the LVIA.

As this is an outline application, we do not have a detailed layout and structural landscape scheme before us, and the indicative masterplan offers little of substance. Of the material submitted, I agree an overall density of 19 dph could be appropriate at this edge of settlement site, and would anticipate a feathering out of densities toward the rural edge. The layout infers a central open space, and further communal space toward the southwest corner, though I suspect that the accommodation of highway/parking standards will substantially redefine the indicative arrangement before us. There should be direct surveillance of the southwest corner open space. Where existing hedgerows form part of the site's external boundaries to non-residential land, the detailed layout should ensure their accessibility for maintenance.'

The Landscape Officer has now retired and so there are no comments upon the amended plans.

#### Strategic Housing:

In response to original plans:

*'Policy requires 35% affordable housing split 80:20 social rent: intermediate product.*

*This new split is evidenced in the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016).*

*This would equate to 33 of the proposed 95 units and would be split:- 26 for social rent and 7 for other intermediate affordable housing solutions.*

*I would like to propose the following property mix:*

8 x 1 bed  
17 x 2 bed houses  
6 x 3 bed houses  
1 x 4 bed house (available at a social rent)  
1 X 5 bed (available at a social rent)'

Also provides advice on space standards and the affordable housing requirements that should be included in any s.106 agreement.

SSDC Ecologist:

In response to original plans:

Notes the updated ecological surveys report that provides an update assessment to various earlier survey reports undertaken in 2012 and 2013 by the same consultant.

The ecologist does not consider that the surveys identify any significant constraints to the proposed development. He does, however, recommend a condition to require measures for enhancement of biodiversity such as bat and bird boxes, native tree planting with informatives relating to badgers, reptiles and Giant Hogweed.

Natural England:

Had no objections to the original application and confirm that the advice they provided in their previous response applies equally to this amendment as the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

SSDC Tree Officer:

In response to original plans:

Originally had some concerns about the proposals but on receipt of additional information and details of the footpath alignment has advised that if consent is granted tree protection conditions should be imposed.

SSDC Community, Health and Leisure Service:

In response to original plans:

Supportive of the proposed location of the LEAP but advise it should be at least 500m<sup>2</sup> with 30m buffer zones.

A financial contribution to equip this area is sought:

- equipped play space contribution of £80,636 with a commuted sum of £46,577; Trigger Point for contribution = Occupation of 25% of total dwellings,

Youth facilities are also desired for the site; as such a contribution is sought:

- youth facilities contribution of £15,833 with a commuted sum of £5,854; Trigger Point for contribution = Occupation of 25% of dwellings,

In the case of other categories of provision financial sums to cater for off-site provision (new provisions or enhancements of existing facilities) are sought.

Categories of provision and levels of contribution include:

- playing pitches contribution of £43,727 with a commuted sum of £26,542 (dedicated to the enhancement of existing pitch provision at East Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,

- changing room contribution of £75,521 with a commuted sum of £6,075 (dedicated to the enhancement of the existing changing rooms at East Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,

Should the corresponding infrastructure not be provided within:

- a 5 year period (equipped play space, youth facilities); or
- a 10 year period (playing pitch and changing room contributions),

the individual contribution may be reclaimed.

The figures relate to a net increase of 95 dwellings. Based on 95 dwellings the overall contribution

would total £300,764 (or £3,198 per dwelling). This will be index linked. This total also includes a 1% Community, Health and Leisure Service Administration fee (£3,008).

In response to the amended plans, Strategic Planning has confirmed that there is no change to their requirements.

SSDC Open Spaces Officer:

In response to original plans:

No objections to this proposal but queries whether the developer will request the open space to be transferred to the ownership of SSDC or to a private management company.

SCC Education:

In response to original plans:

'Primary school places

*There are a large number of housing developments coming forward in this part of Yeovil and the local schools are at or exceeding capacity and expected to remain so until the end of the forecast period. Therefore additional accommodation will be required to meet the demand for school places from this development.*

*East Coker Primary School is the catchment school; it has a net capacity of 270 and had 266 on roll at the October 2016 census. Although the published forecast suggests pupil numbers will fall slightly by 2021, none of the housing developments in the catchment area have been included and when these are taken into account, East Coker will be significantly short of places. Holy Trinity Primary School has a net capacity of 412 and had 419 on roll at the October 2016 census. West Coker Primary School has a net capacity of 86 and had 93 on roll at the October 2016 census.*

*A development of 95 dwellings will require 19 primary school places at £14,175 per place = £269,325*

Secondary school places

*There are a significant number of housing developments across Yeovil and secondary numbers are forecast to rise considerably from 2018 onwards. The secondary schools are expected to come under pressure by 2021 and therefore additional accommodation will be required to meet the demand for places from this development.*

*A development of 95 dwellings will require 14 Secondary school places at £21,359 per place = £320,385*

Early Years places

*A development of 95 dwellings will require 5 early years places at £14,175 per place = £70,875.'*

County Education have confirmed that they are happy that even if the proposed new school at Keyford doesn't come forward, there will be sufficient places in the area for this development.

County Education have confirmed that the original education contribution requirement can be applied to the amended application.

Environment Agency:

In response to original plans:

Advise that this is not an application that they would comment upon as it now sits with the Lead Flood Authority as they cover surface water drainage.

Local Lead Flood Authority (SCC):

In response to original plans:

No objection, subject to the imposition of a surface water drainage condition.

Confirm that they have no objection to the amendment as long as condition 15 (surface water drainage) within the previous Officer Report is applied to the application.

Wessex Water:

In response to original plans:

Advise that there is a water main within close proximity to the site and that a water supply can be made available to the proposed development with new water mains installed under a requisition arrangement. This will require a review of the network to determine the point of connection and available capacity.

In terms of foul drainage, Wessex Water advise that foul and surface water drainage must be drained separately for the site. They accept the recommendations of the drainage strategy for a pumped connection to the existing foul sewer to the south of Helena Road.

In terms of surface water drainage, this will be a matter for the Local Lead Flood Authority.

Climate Change Officer:

In response to original plans:

Suggests that any future layout should show how energy efficiency expectations will be met. Also suggests that developer be persuaded to install photovoltaic panels.

## **REPRESENTATIONS**

37 letters of objection were received in response to the original application, their comments are summarised as follows:

- Object to loss of Grade 1 agricultural land (the land has been used recently for growing crops); brownfield sites should be used first
- Adverse impact on the landscape as the site extends beyond the identified development area of Yeovil; this is a rural area the proposal is of urban form.
- Development is contrary to NPPF, South Somerset Local Plan and East Coker Neighbourhood Plan. If allowed to go ahead it would call in question the credibility of the whole Local Plan. The Local Plan proposes 2 sustainable urban extensions and not the 'necklace' approach proposed in this scheme.
- The proposal does not address a number of issues raised within the Inspector's decision on the appeal against refusal of the last application (13/01791/OUT) such as; the 'necklace' approach to housing development; landscape impact; loss of 'Best and Most Versatile land (BMV)'; and transport impact. The proposal remains unsustainable development even with the titled balance engaged as set out by the Inspector in his decision letter.
- Impact upon the local highway network which will be detrimental to existing users; the proposed single service road is totally inadequate and there will be major difficulties in accessing and egressing the site due to the proposed junction arrangements. The development would generate excessive car journeys which cannot be accommodated on the existing road network. There are other developments proposed in the vicinity that will further add to congestion problems. Traffic will lead to additional air and noise pollution. It is noted that Somerset Highways have objected on safety grounds to the 100 houses

proposed at Bunford Hollow.

- Increased traffic will increase the risk for pedestrians, cyclists, children who play in the area
- The road to Yeovil Court will become a rat run.
- 'Dark Sky' will be destroyed by light pollution.
- East Coker school is already full; new residents will have to use their cars to access schools.
- Density is significantly greater than surrounding areas
- The original proposal was dismissed at appeal and the new proposal is only for slightly fewer dwellings; the original reasons for refusal still stand.
- Location is inappropriate as it is within the curtilage of The Priory (Grade I listed), and other heritage assets (Roman Villa site at Chessels) and the North Coker Conservation Area.
- Proposal will increase flooding in the lanes to the south of Helena Road and Nash Lane
- There are other areas in Yeovil that should be used before developing this piece of land.
- Proposal will decrease value of existing properties
- Harm to local wildlife
- The photos supplied by the applicant in no way reflect the true impact of the development
- East Coker Parish will have to take a disproportionate amount of the District's housing requirement
- Question if the housing is needed
- Construction phase will cause noise and disturbance to local residents for a long period of time
- Existing housing in Helena Road, Wyvern Close and West Coker Road will be overlooked and overshadowed
- Question the level of parking provision and whether there will be space for access by emergency vehicles
- Bus service is infrequent and not convenient for workers
- The protected oak tree is unlikely to survive
- Safety issues with helicopter test flights; development under test flight areas reduces the areas for emergency landings
- Insufficient detail regarding size, type and style of housing proposed
- Over-stretching of GP/medical services
- Small affordable housing would not be in character with the area
- Properties will disrupt the view of the fields
- Larger site could still be developed
- There are errors and inaccuracies in the application documentation
- Impact on local trees and hedgerows
- Requirement to reroute services; services are inadequate to serve the development
- The Traffic assessment still fails to take into account other developments in the area
- The demolition of a dwelling is non-eco friendly
- The proposal doesn't include any amenities for the new residents apart from a small play park
- New trees will cause overshadowing of gardens
- Draw attention to Human Rights Act, Protocol 1, Article 1 'right to peaceful enjoyment' and Article 8 'respect for private and family life'.

The CPRE has objected on the following grounds:

- The application is contrary to the strategy of the adopted local plan to concentrate development around Yeovil on the sustainable urban extensions. The Inspector's decision on the earlier appeal for the more extension site noted that the proposal would conflict with the Local Plan and undermine its sustainable development strategy.
- Whilst the area is now included within the Local Plan Review Issues and Options, this review is at a very early stage and can be given very little weight.
- Agree that the landscape impact is now reduced however the site is still Grade 1 agricultural land which the Inspector noted is a relatively scarce and important resource. Whilst the loss is not in itself significant the CPRE feel that the incremental and cumulative loss of such

high grade land should be a material consideration. Development of brownfield sites should proceed before development of Grade 1 land.

- The highways impacts on the wider highway network and the congestions problems in Yeovil need to be further examined as set out by the appeal Inspector.
- Even with the reduced scale of development the proposal still remains contrary to the adopted development strategy and cannot be considered to be sustainable development in terms of the adopted plan.

In response to the amended plans, a further letter of objection was received emphasising the original concerns and making the following comments (summarised):

- query the density of development if the site area is reduced
- development should have been properly planned at the outset
- request that original objections are reconsidered and that the development be stopped

## CONSIDERATIONS

It is important to remember that the Committee have already agreed the principle of developing this site for housing, however, the decision has not been issued and all of the relevant considerations are therefore set out in the report below. This is an outline application for up to 95 dwellings with all matters apart from means of vehicular access reserved for future approval via an application for the approval of Reserved Matters. As such, many matters of detail including design, specific layout and residential amenity are those issues not able to be examined at this stage.

### Principle of Development

The South Somerset Local Plan (SSLP), adopted in 2015, identifies Yeovil as a 'Strategically Significant Town' and the prime focus for development in South Somerset (Policy SS1), with Policy SS5 setting a target of at least 7,441 dwellings for Yeovil over the plan period of 2006 to 2028.

In making a decision on this application, the Council's under supply and under delivery of housing must be kept in mind. Paragraph 11 of the NPPF explains that decision should apply a presumption in favour of sustainable development, and that for decision-taking that means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

Footnote 7, page 6, of the NPPF states that the policies which are most important for determining the application are out-of-date if "...for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites..."

The Council is currently only able to demonstrate a 4 year supply of deliverable housing land. Therefore, the policies which are most important for determining this housing application must be considered out-of-date, and the application should be approved unless points i and ii apply.

According to the Supreme Court judgement, *Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another*



(Respondents) v Cheshire East Borough Council (Appellant), "[i]f the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken."

The appeal site is considered to represent a sustainable location for development and as such the proposed development would satisfy, or not conflict with, the 3 dimensions of sustainable development set out in the Framework. In economic terms it would produce employment benefits during the construction phase and would provide much needed housing, including an element of affordable housing. The local economy would also be likely to benefit from the additional spend arising from this increased population.

In social terms the market and affordable housing would assist in meeting the Council's housing requirement, and the offered planning obligations would result in community benefits through the provision of on-site open space and play area, highways improvements, and funding for further local infrastructure projects.

In environmental terms, although there would be the loss of some currently undeveloped agricultural land, the Council's Landscape Architect raised no landscape objection to the original plans, noting that this is an area of land that is indicated as having a potential for development by the September 2008 peripheral landscape study of Yeovil. In regard to the loss of Grade 1 agricultural land, it has to be noted that the site has now been further reduced in area and consequently the loss has been decreased. In addition, it also has to be noted that Yeovil is surrounded by high quality agricultural land and any development on the outskirts of the town will result in the loss of BMW. Furthermore, in light of the submitted Ecological Assessment, no objections are raised on ecological grounds.

As the Council cannot currently demonstrate a 5-year supply of deliverable housing land, such that policies like SS5 cannot be considered up-to-date, this policy can only be given a modest amount of weight.

Taking all the above points together, it is considered that the proposed development would represent an acceptable level of growth for Yeovil and would not conflict with Policy SS5.

With regard to the East Coker Neighbourhood Plan (made since the Committee's decision on the original application), the development is acknowledged within the paragraph 6.19. As such, it was not included within the number of additional dwellings proposed within Policy ECH1: Housing Provision. Given that the neighbourhood plan has recognised the 'in principle' grant of permission at the site it is not considered that the proposal runs contrary to the housing policies within the plan.

#### Layout, Landscape Impact

SSDC's Landscape Architect considered the original scheme and advised that the peripheral landscape study of Yeovil indicates that the field the subject of this application has a moderate-high capacity to accommodate built development. Therefore, if a need for additional housing relative to Yeovil is identified then, from a landscape perspective, the Landscape Architect took the view that this site could be developed without too adverse an impact upon the landscape. It is noted that the Inspector in his decision regarding landscape impact stated '*The Council accepts that, in visual terms, the eastern part of the site would be acceptable in principle for residential development and from my observations, I agree. I therefore consider that the critical part of the site is the south-west third in terms of its landscape impact.*'. Given the Inspector's comments, the removal of the south-western part of the site from the proposal, the further reduction in the size of the site and the Council's lack of a five year housing supply it is considered that the landscape impact of the development is not of such significance as to justify refusal of the application on such grounds.

In terms of impact on the setting of heritage assets (Chessels Roman villa (a Scheduled Ancient Monument), the Grade I and II listed buildings at Naish Priory, the historic park of Brympton d'Evercy (just over 1km to the north-west of the site) and a second Roman Villa, also a Scheduled Ancient Monument is just under 1km away to the south-east (Dunnocks Lane), these matters were fully considered as part of the original outline application and at appeal and it was concluded that the site can be developed in a manner to safeguard the setting of the identified heritage assets in accordance with the NPPF, Local Plan Policy EQ3 and East Coker Neighbourhood Plan Policy ECCN2 and ECCN3.

With regard to the proposed density, whilst the site is now smaller than originally considered it is still felt that the site could accommodate up to 95 dwellings without being over developed and without appearing out of character with the area. If 95 dwellings were to be built on the site this would equate to 17.6 dwellings per hectare, the developing taking place at site across the round (adjacent to Bunford Roundabout is 22.7 dwellings per hectare). 10% of the dwellings will still be bungalows (to be located on the eastern boundary) and this will assist in tying the proposed development into the existing dwellings adjoining the site.

The application for reserved matters would also give the opportunity to review sustainable construction through design, layout and solar orientation, in light of increasing requirements through building regulations.

#### Archaeology

The primary archaeological issues are the potential setting issues on the Scheduled Monument 'Chessels Roman Villa' that lies to the south-west of the site, and the buried archaeological assets on the site. With regards to the setting issues the comments of the SCC Archaeologist are noted and this has been validated by English Heritage. In terms of buried archaeology there are suggestions that the site has remains reflecting prehistoric activity. The suggested way forward is via further investigation required via condition, prior to the commencement of any development.

This approach complies with Local Plan policy EQ3 and para 141 of the NPPF.

#### Highway Implications

The proposed change to the plans will not result in any change to the quantum of development already considered and approved by the Committee so this section of the report remains as the May 2018 report (the County Highway Authority has have confirmed that they have no objection to the amended plans):

Despite the application being supported by the County Highway Authority the Appeal Inspector determined that the previous application was unacceptable in highway terms due to concerns that the transport assessment had not taken into consideration the cumulative traffic impact of the proposed development especially in relation to the proposed Sustainable Urban Extension (SUE) at Keyford; a matter that only became evident during the Appeal Hearing. The new transport assessment has therefore been produced after full consultation with the County Highway Authority with regard to the cumulative impact. The assessment has followed an agreed format with the County Highway Authority using the Yeovil Strategic Traffic Model (YSTM2) SATURN model which has been developed to specifically assess the impact of SUE sites in Yeovil which has used traffic count data in the local area. The Transport Assessment concludes that there are no issues in the future year scenario with capacity which is considered to be a robust assessment as it includes committed development including that from Yeovil SUE sites. The County Highway Authority have confirmed that they do not object to the proposed traffic generation having not objected to the previous application for 144 dwellings.

The access to the site would remain as that shown on the previous application via a new road created on land that is currently occupied by No. 169 West Coker Road, this would then connect to the spur road and then Nash Lane with a give way junction. It is acknowledged this aspect of the proposal causes the local residents considerable concern. Although the previous appeal was dismissed on traffic grounds this was related more to the amount of traffic on the network than the physical layout and principle of an entrance off the spur road and as such the Inspector has tacitly approved the access arrangement. Despite this backdrop attempts have been made by officers to seek a 'better' more palatable local solution. This involved exploring the potential for an access through the land occupied by White Post Turf and the potential for a roundabout on the A30 that would connect with Camp Rd, the Holywell road and the development site. The benefits of this were seen to be more positive for the area, remove the safety issue at the White Post crossroads, reduce speeds on the A30, improve pedestrian connectivity and quell the locally perceived issues with the spur road and in Nash Lane/Helena Rd area. The consequences of this highway scheme would of course be that the White Post Turf site would also be developed with housing to provide sufficient incentive and development finance for the roundabout. This suggestion was discussed with the White Post Turf site landowners' agents but has not materialised as something that might be pursued right now. There is a great cost the applicant is absorbing in procuring No.169, demolishing it and building a long stretch of non-frontage road into the site. The opportunity costs of losing the two dwelling consent at No.169 should also be acknowledged and all signifies there would be sufficient development finance to contribute to fund a roundabout with a little additional tweaking of the s106 obligations. This opportunity may not come again.

The application also includes the following highway works (some of which are also included within the Bunford Heights scheme):

- Footway/cycleway linking to new bus lay-by to the south of West Coker Road and existing bus stop to north.
- Ghost island on West Coker Road to facilitate right hand turning into application site and Bunford Heights site opposite
- Carriageway widening to north of West Coker Road
- Pedestrian/cycle crossing at West Coker Road incorporating drop kerbs and tactile paving and 'keep left' bollard
- Dropped kerbs at junction of Camp Road with West Coker Road to facilitate pedestrian access to service station convenience store.

In addition a sum of money (£60,000) was proposed as part of the s106 to the scheme for 144 dwellings for cycleway infrastructure, notionally to link Nash Lane to Sandhurst Rd/Yeovil Rd. This was based on work emanating from the Sustainable Urban Extension application at Keyford, South Yeovil (15/01000/OUT). This sum is still requested and the applicant has agreed its inclusion. The s106 will refer to the monies as improving cycling infrastructure in the area. Allied to this it is recognised that some of the highway works previously stated are common to both this application site and that at Bunford Heights. Bunford Heights is at a more progressed stage where Reserved Matters are likely to be presented to committee in the coming months (18/00176/REM). It is likely therefore that building works at Bunford Heights will start before the developer starts on this application site if this application is approved. As such the applicant would be absolved of undertaking several aspects of the stated highways works. In such a scenario the s106 would be worded in such a way that if elements of the highway work common to both schemes are carried out by the developers of Bunford Heights first then an increased cycling infrastructure sum would be sought from this site to invest in plans to extend cycle paths through Bunford Park to connect to another pending application at Bunford Hollow (17/003320/OUT).

In conclusion the County Highway Authority have thoroughly assessed the proposals and do not object to the proposals on highway safety grounds subject to the imposition of a number of highways

condition along with the requirement for a Travel Plan to be secured through a s106 agreement.

Policy TA5 of the Local Plan requires that all new development address its own transport implications and be designed to maximise the potential for sustainable transport. The NPPF (para 32) requires decisions to take into account whether improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development. "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe".

On the basis of the input from the Highway Authority it is considered that the proposals have adequately addressed the concerns of the appeal inspector and the proposal is acceptable in relation to highway safety as the impacts will not be 'severe'. The proposals are therefore in accordance with the NPPF, local plan policies TA3, TA4 and TA5 and policies ECT1 and ECT2 of the East Coker Neighbourhood Plan.

### Affordable Housing

There is no change to the proposed level of affordable housing as part of the amended plans.

The comments of the Strategic Housing Team are noted and the requirement for 35% affordable housing is justified by policy HG3 of the Local Plan. The planning obligation will have to cater for various parameters including the securing of grant (public subsidy) and the overall dwelling numbers at the reserved matters stage. The specific location of affordable units will be assessed/determined during the reserved matters stage.

### Trees

Whilst the majority of the site is an open field, it is bound by mature hedging and trees. The amended plans will allow for the retention of hedging that currently bounds the paddock to the north-west that has now been excluded from the plans. Any approval of reserved matters would seek to retain and strengthen existing perimeter landscape features and the layout plan, albeit indicative, shows the opportunity for tree planting within the main body of the site within streets and open spaces. The Council's Tree Officer has sought a general condition to protect existing trees during the course of the development and this could be extended to relevant hedgerows also.

### Wildlife

An updated ecological survey report has been submitted and assessed by the Council's Ecologist who has advised that the surveys do not identify any significant constraints to the proposed development. In accordance with paragraph 175 of the NPPF the Ecologist expects that larger schemes such as this should include measures for the enhancement of biodiversity and has recommended a condition to ensure such provision. The Ecologist also notes that badgers sometimes use the site and may create 'outlier' setts (temporary setts) and has recommended an informative regarding wildlife licence requirements. He has also recommended informatives in relation to reptiles (slow worms) and Giant Hogweed.

It is considered the proposal complies with the NPPF, policies EQ4 and EQ5 of the Local Plan and policy ECCN5 of the East Coker Neighbourhood Plan.

### Drainage

The LLFA have advised that they do not have any objections to the amended plans.

Even though the site and surrounding area is shown in Flood Zone 1 and so not at risk from fluvial

flooding, the application has been supported by a Flood Risk Assessment and drainage strategy due to the size of the site.

No objections have been raised by the Local Lead Flood Authority subject to a condition requiring the submission of a surface water drainage scheme to be based on sustainable drainage principles. It is considered the proposal complies with the NPPF, policy EQ2 of the Local Plan and policy ECCN2 of the East Coker Neighbourhood Plan.

#### Play, Sport and Open Space Provision

No change is proposed to the agreed contributions.

The current indicative plan shows the provision of a Locally Equipped Area for Play (LEAP), and provision of distinctive areas of public open space. The LEAP is to be provided in accordance with local plan policies SS6 and HW1 but will require appropriate buffer zones which can be resolved through the reserved matters application.

Financial sums for various categories of off-site provision have been sought, in line with local plan policies SS6 and HW1 as detailed in the consultation response from SSDC Community, Health and Leisure. It is important to note contributions going towards East Coker to support projects there.

#### Public Right of Way

The changes proposed would not involve a part of the site near the rights of way.

A restricted byway currently runs to the south of the site from Nash Farm along the southern edge of Helena Gardens to Nash Lane. It is the width of a single carriageway and is twin-track along most of its length surfaced in tarmac of varying degrees of repair. There are no plans to alter this arrangement other than to achieve access from the site to the restricted byway via a footway link.

#### Planning Obligations and Viability

The amended plans do not change the consideration of the contributions and other obligations.

As detailed elsewhere in this section if the application was approved planning obligations would be sought for affordable housing, education, travel plan and play, community and sporting facilities. These will be secured by a planning obligation under Section 106 of the Planning Act. The applicant has been asked to confirm that the development is viable with the requested contributions.

#### Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Local Planning Authority has formally screened the application under the requirement for Environmental Impact Assessment because of the nature of the proposed development and the fact that the site area exceeds 5 hectares.

The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment.

The Local Planning Authority has not required the applicant to submit an Environmental Impact Assessment in support of this application. The application is however supported by a host of professional assessments, reports and surveys covering key environmental matters.

#### Other

The detailed concerns of local residents have been carefully considered and the main issues are dealt with in the report above. However, the following additional points can be addressed:

Light pollution - a condition can be imposed at reserved matters stage to require details of any proposed street lighting. It is restated now as it was at the appeal stage that the decision regarding street lighting does lie ultimately with SCC as Highway Authority.

Impact on local schools - County Education have provided details of the required contributions that will be required to support primary and secondary schools in the vicinity; they have not objected to the application on the grounds that the development would adversely impact upon local schools.

Devaluation and loss of view - These are not matters that can be given any significant weight in the consideration of a planning application.

Disturbance during construction phase - A condition can be imposed requiring the submission of Construction Traffic Management Plan.

Overlooking/overshadowing - As this is an outline application with all matters reserved apart from access, there are no details regarding layout or house design. It is however considered that up to 95 dwellings could be developed on this site without adversely impacting upon neighbouring residential amenity through careful design and layout as part of the reserved matters submission.

Emergency Access - this will be included as part of the technical assessment to be carried out by the County Highway Authority.

Impact on medical services - the NHS have been advised of the application and have not objected to the proposal; without evidence that the development would have a significant impact upon health provision it is not considered that the proposal could be refused on this basis.

Larger site could still be developed - any further application would have to be judged on its own merits taking into account the recent appeal decision.

Impact on services - there have been no objections from any of the statutory undertakers and as such it is not considered that the application could be refused on this basis.

Demolition of dwelling - whilst it is unfortunate that a dwelling will have to be demolished to make way for this development it will enable the provision of housing to meet the Council's housing supply.

Lack of amenities for future occupiers - the application includes proposals for both open space and a children's play area that can be secured through a s106 legal agreement. The site also lies adjacent to a network of rights of way and within close proximity to the shop at White Post Garage.

Human Rights Act - The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest. In this case, the provision of housing on a site which is considered to be capable of accommodating 95 dwellings without resulting in demonstrable harm to neighbouring amenity and where there are no objections from statutory consultees tilts the balance in favour of public interest.

Conclusion

The amended plans make the site smaller than that previously considered however it is not considered that this would result in an unacceptable level of development at the site. It is considered that the proposal has adequately addressed the concerns raised by the appeal inspector when determining the appeal for 144 dwellings. The landscape impact is considered to be acceptable and the retention of additional hedging is an ecological benefit. The highways documentation has taken into account the cumulative impact of other developments within the vicinity. Given, the Council's lack of a five year supply of housing it is not considered that a single reason for refusal on the basis of loss of Grade 1 agricultural land can be sustained. As such, the application is considered to represent sustainable development that accords with the aims and objectives of the NPPF and the relevant policies of the South Somerset Local Plan. Furthermore, the proposals are in accordance with policies set out in the East Coker Neighbourhood Plan which will also be considered when the Reserved Matters application is submitted.

## **RECOMMENDATION**

That application reference 17/03673/FUL 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) The agreed contribution as set out in this report towards the provision of sport and play facilities (to the satisfaction of the Local Planning Authority).

2) Ensure at least 35% of the dwellings are affordable with a tenure split of 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Strategic Housing Manager

3) Education contributions as set out in this report

4) Highway works

5) Travel Plan and £60,000 towards cycling infrastructure within the vicinity

6) If elements of the highway work common to this scheme and Bunford Heights are carried out by the developers of Bunford Heights first then an increased/additional cycling infrastructure sum of £30,000 would be sought to invest in plans to extend cycle paths through Bunford Park to connect to another pending application at Bunford Hollow (17/003320/OUT)

7) The provision of landscaping and open space (inclusive of shelter belt) to include:

- a) design standard (SSDC Landscape Design - A Guide to Good Practice and the Addendum thereto).
- b) maintenance period
- c) commuted sums
- d) transfer to SSDC or approved management company

8) Provision of a bus shelter at the proposed bus layby on West Coker Road (westbound), with a commuted sum for maintenance of the shelter

And

01. The Council cannot demonstrate a 5-year housing land supply. Yeovil is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and

its services and can be developed without causing unacceptable harm to the setting or functioning of the town. Despite being Grade I agricultural land the proposal, in outline, by reason of its location on the periphery of a sustainable settlement, its juxtaposition with existing built form and its scale represents an appropriate and logical rounding-off where a development could result that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area subject to the approval of Reserved Matters and would not foster growth in the need to travel, in accordance with the aims of objectives of the National Planning Policy Framework, and policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, EQ1, EQ2, EQ3, EQ4, TA3, TA4, TA5, TA6 and HW1 of the South Somerset Local Plan (2006-2028).

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

01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 4000-BB-SP-00-DR-A-002 (Location Plan) and 11 Rev D (proposed Access Option 1C).

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

03. At least 10% of the dwellings hereby approved shall be bungalows (single storey) and they shall be located along the eastern boundary of the site (as shown on Drawing No. 4000-BB-SP-00-DR-A-001 'Annotated Indicative Layout').

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

04. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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, motorcycle and cycle 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 highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

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



06. Plans showing parking area(s) providing for an appropriate number of spaces in line with the Somerset County Council Parking Strategy vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. These areas shall be properly consolidated before the building(s) are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

07. The development hereby permitted shall not commence until a Construction Traffic 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 Traffic Management Plan.

Reason: In the interests of residential amenity and highway safety and in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028).

08. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soak ways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

09. 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 access arrangement (as shown generally in accordance with drawing number 11 Revision D) and its means of construction and surface water drainage. No dwelling hereby approved shall be occupied until the approved access road junction has been constructed and completed to the written satisfaction of the Local Planning Authority in conjunction with the Highway Authority.

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

10. Before the commencement of development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure proper recording of any archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028.

11. No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with the Written Scheme of Investigation approved under the Programme of Works condition and the financial provision made for analysis, dissemination of results and archive deposition secured.

Reason: To ensure proper recording of any archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028.

12. Prior to the commencement of development, details of measures for the enhancement of biodiversity (e.g. bat and bird boxes, native tree planting) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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.

13. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a revised and detailed scheme of tree and hedgerow protection measures (specifically to include details for the protection of the Oak referred to as T28 and the trees located upon the Highways verge adjoining the A30 to the North of the site entrance) shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and the Council's Tree Officer (Mr Phillip Poulton - 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Council's Tree Officer and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development (inclusive of hard and soft landscaping operations) and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

14. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a revised scheme of tree and shrub planting, including the details of every tree, shrub and hedge to be planted, including its proposed location, its species, its size at the time of planting, whether it is container grown, cell-grown, root-balled or bare-rooted and the approximate time when it is to be planted. The installation details regarding staking, tying, strimmer guarding and mulching are also to be included. If, within a period of ten years from the issue date of this planning consent, any of the trees or shrubs planted in accordance with this condition, or any trees or shrubs planted as a replacement for any of those trees or shrubs, is cut down, felled, uprooted, removed or destroyed, or dies or becomes, in the opinion of the Council, damaged or defective,

- a) the Council shall be notified by the landowner as soon as is reasonably practicable, and
  - b) another tree or shrub of the same specification shall be planted at the same location, at a time agreed in writing by the council,
- unless the Council agrees in writing to dispense with or vary the requirement.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

15. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing

by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Revised soil infiltration rates. The infiltration test must be undertaken fully in accordance with BRE365, including three fills in each trial pit to provide accurate soil infiltration rates;
- Revised attenuation storage calculations that consider the revised soil infiltration rates.
- Detailed drawings that demonstrate the inclusion of SuDs, where appropriate, and location and size of key drainage features;
- Drainage calculations that demonstrate there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event plus 40% increase for climate change;
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of drainage system;
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system;
- Confirmation from Wessex Water that diversion of the existing water main is acceptable;
- Confirmation from Wessex Water that the proposed building over the existing foul water sewer that crosses the northern part of the site is acceptable.
- Demonstration that appropriate access is available to maintain drainage features
- If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

16. No construction traffic associated with the development shall use Kingspring Lane.

Reason: In the interests of highway safety and Policy TA5 of the South Somerset Local Plan 2006-2028.

17. Prior to its installation, details of the public street lighting and lighting for the private communal areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and the rural landscape in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

18. The application for Reserved Matters shall detail the siting and layout of the Locally Equipped Area of Play (LEAP).

Reason: To ensure appropriate provision in accordance with Policy HW1 of the South Somerset Local Plan 2006-2028.

**Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
02. The applicant's attention is drawn to the comments of the Rights of Way Officer (SCC) dated 13 October 2017. Also, advise that development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
03. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice. You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

04. Badgers sometimes use the site and may create 'outlier setts' (temporary setts) at any time, in areas that would be affected by development works, and require closure under licence from Natural England (normally restricted to July to November inclusive). Update surveys for badgers are recommended prior to commencing development, and particularly prior to major groundworks, in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development.

05. Reptiles (particularly slow worms), likely to be present in neighbouring gardens, will move onto the site if conditions become suitable and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures in this case are likely to include appropriate management of the vegetation to discourage reptiles away from areas of risk, and fencing to prevent reptiles from entering the site. An ecological consultant should be commissioned to provide site specific advice.

06. Giant Hogweed is an injurious plant to humans (causes severe skin blistering). Ecological surveillance should be employed to check for possible re-establishment from seed, and to apply further appropriate elimination measures.

07. The applicant is advised that the proposed street lighting for the estate should be designed in accordance with the Dark Skies advice from the CPRE.