

Officer Report On Planning Application: 18/01917/FUL**

Proposal :	Erection of 39 No. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure
Site Address:	Land Off Shiremoor Hill Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	17th September 2018
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Boon Brown Planning Motivo Alvington, Yeovil, BA20 2FG
Application Type :	Major Dwlg 10 or more or site 0.5ha+

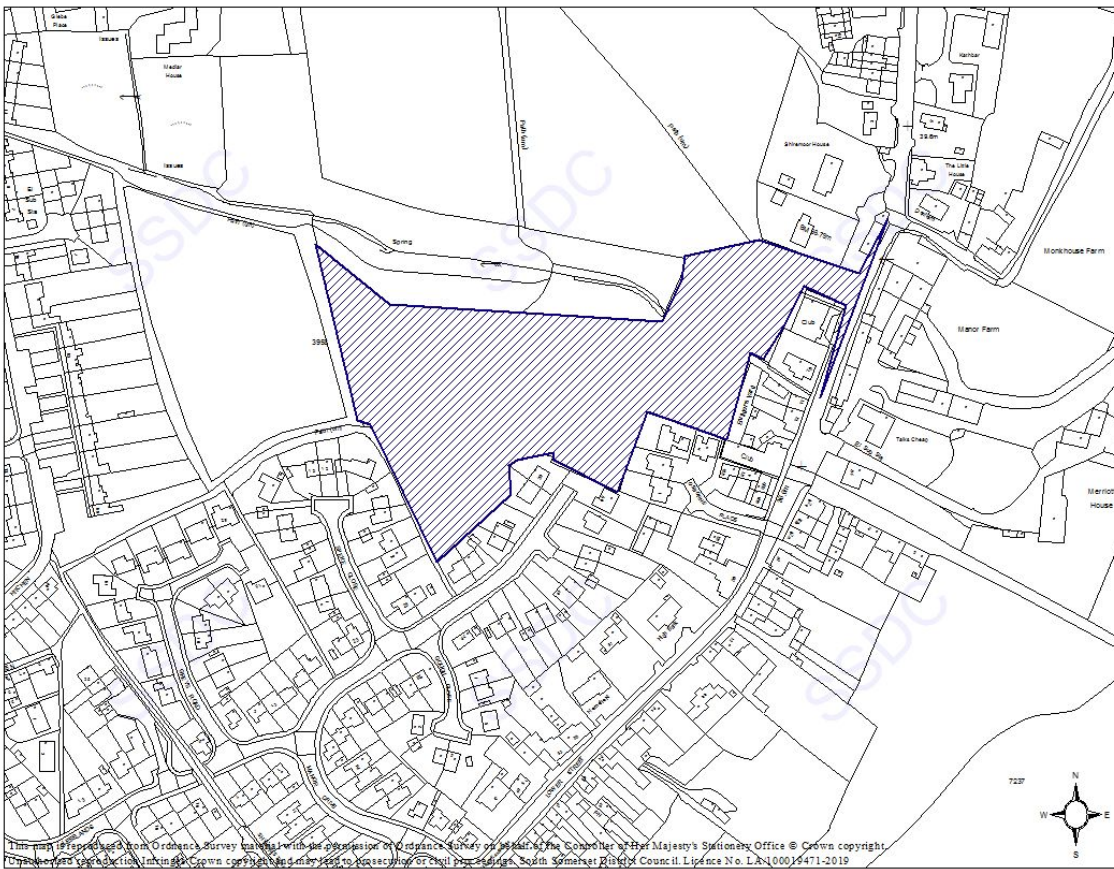
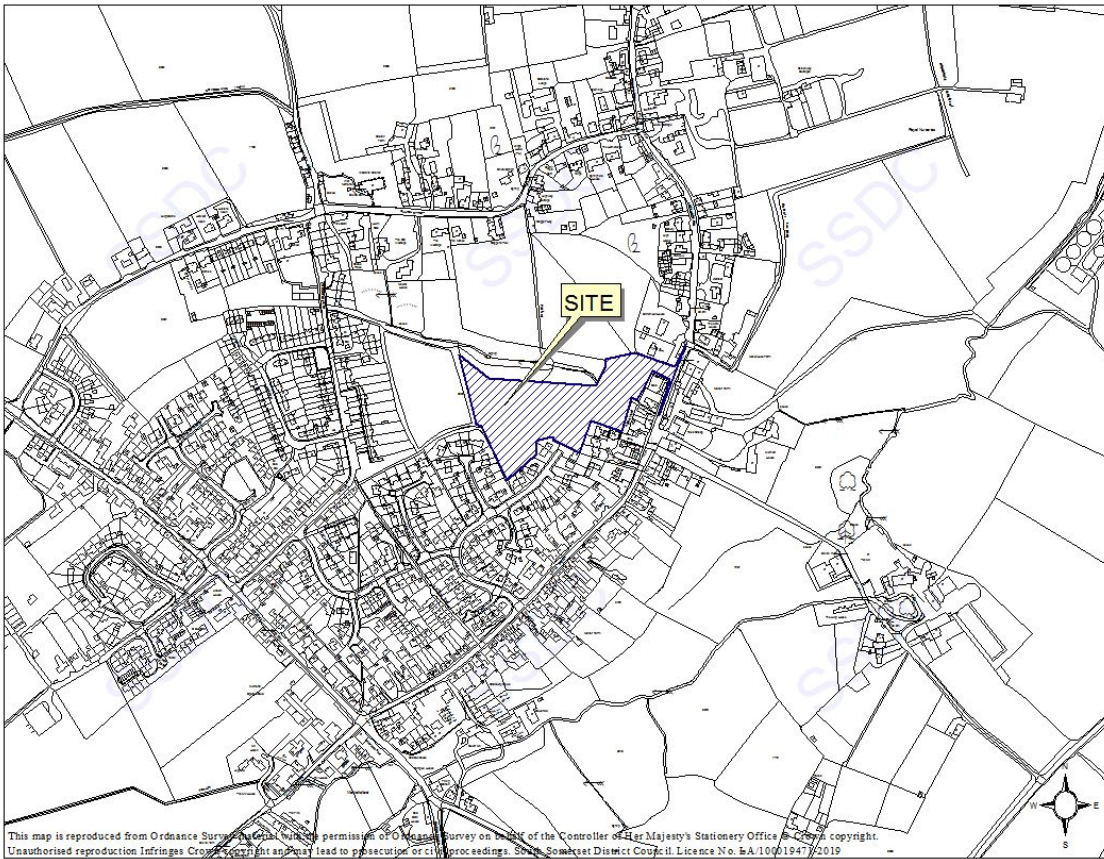
REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area West Committee at the request of the ward member and in agreement with the Chair to debate and assess the main planning issues, in particular need for the development, highways, landscape and ecological impact, and impact on the character and appearance of village.

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.

SITE DESCRIPTION



The application site comprises pasture land occupying a central location within Merriott. To the east of the site is Lower Street and Shiremoor Hill, with Church Street to the north. The proposed area to be developed sits to the north of residential properties in Speke Close, Manor Drive and Osborne Place. A wooded area, the majority of which includes the Merriott Stream County Wildlife Site (MSCWS), runs east to west, mostly adjacent to and on the northern side of the site with a smaller section within the eastern side of the site. Public Rights of Way cross the site, including a route through the wildlife site and also across the site running in a north to south west direction.

PROPOSAL

Members will recall that outline consent for the erection of 30 dwellings was granted in 2017. All detailed matters were reserved for future approval other than the means of access which was approved from Shiremoor Hill. Additional land outside of the approved residential site, within the previous applicant's ownership, was to be transferred to the Parish Council to be used for Community purposes. This transfer was to be undertaken upon the grant of outline consent. This transfer has now taken place and the land is now within the ownership of the Parish Council.

This new proposal seeks consent for 39 units with a mix of 6 no x 2 beds, 18 no x 3 beds, 5 no x 4 bed, and 10 no x 3 bed bungalow. The applicant is Stonewater, a registered Housing Association and will provide 29 affordable homes with 10 market homes. Access will be gained from Shiremoor Hill as per the approved outline scheme. The internal access road will then rise westwards and then head south through the wooded area and over the brook. It would then head centrally westwards through the whole site with 3 cul-de-sacs. 37 units would be spread evenly across the site with a mix of detached, semi-detached and terraced properties. 2 detached units will be located on the northern side of the brook. External materials will be a mix of reconstructed stone, ham stone, double roman tiles and slate. 93 parking spaces will be provided including 8 visitor spaces.

HISTORY

16/00865/OUT - Residential development (approximately 30 dwellings) and access from Shiremoor Hill (approved 2017).

15/04586/FUL - Change of use of land from agricultural to equestrian use and the erection of stables and fencing (application withdrawn).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS4 - District Wide Housing Provision

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development.

EQ2 - General Development

EQ4 - Biodiversity

Relevant Material Considerations:
National Planning Policy Framework

Somerset County Council Parking Standards

CONSULTATIONS

Merriott Parish Council: (first response)

Deferred at the request of the applicant for a meeting to consider the access design concerns.

(Second response)

Merriott Parish Council agreed the following statement at our meeting on 10/09/18.

'Following lengthy consideration and discussion with the applicant, Merriott Parish Council has the same concerns outlined in our submission to the original Outline Application.

The access road design is over engineered for the sensitive setting, a single lane `shared use` road of minimal impact from the Conservation Area should be considered.

The stream crossing culvert will require a four metre high wall across the sunken public right of way which runs along the stream requiring a significant detour involving flights of twenty plus steps.

This will prevent any wheel dependant less able access, and introduce difficulty to the ambient less able. It will also cause significant harm to the amenity offered by the current level streamside walk. We repeat our request for a bridge which would permit pedestrians to pass below on the existing right of way.

The development south of the stream needs to provide a significant buffer to the designated Wildlife Area.

We do not support the inclusion of the two dwellings north of the stream, they will have a significant negative impact on the open view to the East from the public right of way to the North of the development site. Without these the application still increases the number of dwellings by twenty per cent compared to the Outline Consent.

We are advised that the applicant is exploring alternative access locations which would negate the stream crossing problem.

While supportive of the principle of development of the site, should the application be considered in its present form we request refusal.'

Highway Authority: (summary)

No objection raised. The Highway Authority accept that it has been demonstrated through the Transport Assessment that the proposal is acceptable in terms of traffic impact. Some minor changes are required to the Travel Plan Statement - this can be conditioned.

Concern has been raised in regard to the proposed parking arrangements. The scheme is providing 93 spaces whereas the optimum figure is 125. No justification has been provided for this lower level of parking provision and there is a risk of parking being displaced onto the adjacent roads. The dwellings are some distance from the existing public highway and therefore it is unlikely that this highway will be adversely affected, and a formal objection is not raised. Displaced parking on the new internal access roads may still cause obstruction and inconvenience.

The access arrangements are considered generally acceptable for the level of development now

proposed. However, the new access to the public highway will require a suitable legal agreement with the Highway Authority, to agree the technical details. This is separate from any planning approval. Technical advice has been provided to the applicant and the Highway Authority encourage early engagement with them to allow sufficient time for this process.

Appropriate cycle and motorcycle parking facilities are required.

The Highway Authority recommend a number of conditions should the application be approved.

Housing Officer: (summary)

35% affordable housing sought with a split of 80:20 social rent/intermediate product. This would give a total of 14 affordable homes with 11 for social rent and 3 for intermediate housing, for example shared ownership.

A mix of 5 x 2 bed, 8 x 3 bed and 1 x 4 bed and minimum space standards sought. Trigger points sought within the legal agreement to

Designing out Crime officer:

What are the boundary treatments to the north of the site? What protection will be in place to protect the vehicles using the rear parking court serving units 31 to 37?

Please provide gates to access paths between properties as near to the front elevation as practicable

Please provide a window to the blank gable end of unit 9 to allow for surveillance of the adjacent parking court

Please provide knee rail protection to areas of public space that abut dwellings such as units 1, 6, 7, 34, 37

Ecologist: (first comment)

I'm satisfied with the Ecological Assessment Report (WYG, 14th June 2018) and I broadly agree with its conclusions and recommendations. The report's recommendations for biodiversity enhancement, through native species planting, appear to be incorporated in the landscape plan. The report makes recommendations for mitigation regarding several issues (of generally low significance). These include pre-construction badger surveys, slow worm mitigation, and protection of sensitive habitats.

I consider it appropriate to include a planning condition requiring the development to be undertaken in accordance with the report recommendations (summarised in section 5).

Ecologist: (second comment)

There are no ecological issues arising from these amendments and as such there is no further comment to make.

Natural England:

No comments to make on this application. Advise the LPA to consult your own ecology services for advice on the impact upon protected species.

Arborist:

No objection. A tree and hedgerow protection condition is recommended to protect trees and hedgerows on the boundaries of the site.

County Archaeologist:

There are limited or no archaeological implications to this proposal and therefore no objection raised on archaeological grounds.

County Rights of Way (Summary of first response)

The proposal will obstruct 2 footpaths CH 19/17 and CH 19/16. A revised layout or diversion order will need to be submitted. No objection is raised subject to the applicant being informed that the grant of

planning permission does not entitle them to obstruct a public right of way. A Grampian condition is recommended to secure the diversion before development commences. A note is also requested to ensure the development is not commenced and rights of way kept open until the diversion order has been secured. Advice in respect of protecting the health and safety of the public using the rights of way during the construction period is given.

County Rights of Way (second response)

Further to my response of the 13th August, which I temporarily retract pending further information, concerns have been raised as to the impact of this development on the footpath CH 19/16 part of which carries the regionally promoted walking trail; the River Parrett Trail. Considerable work over the last 10-15 years has been made to improve the accessibility of the trail, e.g.: exchanging stiles to gates. Whilst the trail deviates from the River Parrett at this point, to take in the village of Merriott, one of the main advantages of riverside trails in general is that they are relatively level and therefore accessible to a greater proportion of the walking public.

The proposed diversion for footpath CH 19/16 appears to show several flights of steps. This was overlooked in my previous response. Although my previous comments refer to the ability for the applicant to apply to divert the footpaths, the granting of planning permission would not guarantee a successful or appropriate diversionary route, and the applicant should be made aware that making a right of way more inaccessible, e.g.: by the introduction of steps, would be contrary to County Council policy and thus we would potentially object to any future diversion order that included steps where currently there are none. The applicant may be able to provide a step free solution on a line similar to that which is already proposed, however before accepting this position we now require the developer to justify the reasons why CH 19/16 cannot be accommodated on its current alignment, or one that is in very close proximity. The number of flights of steps suggests that there is a considerable height difference which may allow for the footpath to pass under the road bridge.

Should sound justification be presented as to why the footpath cannot be accommodated under the bridge and must be diverted to enable the development, then the Council must be provided with information which shows that a step-free route of a suitable gradient (no steeper than 1:12) can be delivered, without undue inconvenience to the public use. Failure to provide satisfactory information may result in the Council's opposition to this application. In this regard please treat this submission as an objection until such time as the above concerns and requirements have been satisfactorily answered or addressed.

Please note as per my previous response that footpath CH 19/17 will require a slight diversion, or the layout amending, to prevent obstruction of the definitive line and width of the path.

County Rights of Way (summary of third response)

Provided that the Local Planning Authority are satisfied that provision of a structure which would maintain the current route of CH 19/16 is financially not viable, we have no objections to the proposal, subject to inclusion of the following condition and informative.

Officer comment: A Grampian style condition and notes as outlined above have been requested.

Access For All

Concern has been raised that the scheme involves the construction of a bridge over an existing stream and this may result in reduced access for wheel chair users as only steps are proposed to cross over the bridged area. Compliant ramps should be provided as a minimum.

Local Lead Flood Authority: (First response) (summary)

Whilst a Flood Risk Assessment has been submitted, this needs to be updated to take account of new climate change allowances released by the Environment Agency. This would include amendments to the surface water drainage scheme to take account of the larger number of dwellings, how excess

drainage will be controlled and managed during periods when the drainage scheme is exceeded and assessment of the impact on any overland flow routes.

Local Lead Flood Authority (second response following submission of revised Flood Risk Assessment)
We provided detailed comments in August 2018 regarding this development. We commented that the site was on steep topography and could be affected by / impact upon overland flow routes. In particular property 39 would seem to be most likely to be impacted as water flows towards the watercourse. This doesn't appear to have been discussed in the FRA, nor whether any mitigation may be needed.

We welcome the amended calculations to reflect the 40% climate change allowance and this has been considered in the hydraulic modelling and drainage. However, the maximum runoff rate for the proposed development is stated in the FRA as 5.1l/s but the combined discharge into the watercourse would appear to be greater than this? Some explanation would be helpful.

In our previous response we commented that opportunities to use SUDS should be fully explored, and whilst we welcome the pond, we feel that there are areas of the site which could be utilised to provide further measures. In particular the treatment of private communal driveways, shared surfaces and parking courts. We recognise that the constraints of how the northern part of the site has been designed has resulted in the use of oversized pipes and underground tanks, so other opportunities should be maximised.

There will be a need for land drainage consent to be obtained from ourselves for works within the watercourse, and I am not aware that any application has been forthcoming.

Sport and Leisure

A total of £86,712 has been requested towards off site facilities to include the upgrading of existing play equipment at Merriott Recreation Ground, provision of new wheeled play facilities or a youth shelter at Merriott Recreation Ground and, contribution towards the provision of floodlighting to enable winter football training.

County Education:

Originally advised that there are currently school places available in the local school, thus will not be seeking education contributions. However, following a review by the Education Authority, where new pupil yields and costs were introduced, it was advised that the scheme would generate 9 1st school children. The Middle School and upper schools have enough capacity to accommodate more pupils. However, Merriott 1st School is over capacity. Thus the following education contribution is requested:
 $9 \text{ places} \times \text{£}17,074 = \text{£}153,666.$

REPRESENTATIONS

9 letters have been received objecting to the scheme with 4 making representations / comments.

A summary of the objections are as follows:

- Transport statement is dismissive of the traffic situation near the development site. Cars parked make roads single lane.
- Additional development will add to traffic volume and safety issues
- Loss of valuable green space in the middle of the village
- Availability and frequency of buses as stated in the TA is not accurate.
- Insufficient public transport
- Harmful impact on wildlife
- Village school is full
- Road design indicates possible intention to further develop
- No need for further housing in the village. 37 houses for sale.
- An increase over the original application.

- Lack of services and facilities
- Contrary to village plan
- Roads not suitable for large construction traffic
- Conflict of interest with the District Council as the applicant Stonewater is a partner of the Council.
- Adverse impact on character and appearance of the village and Conservation Area.

A summary of the representations are as follows:

- The Squash club have advised that the plans show that a fire escape is blocked off and will need to be amended. 2 low level windows provide light to the rear of the building and wish to see that natural light is not reduced.
- Originally objected to the first scheme but now accept permission has been granted. Pleased to note that the hedge behind plots 25/6 will be retained - ask about who will maintain the hedge and height of new trees to be planted.
- Pleased to note that plots 24 to 27 are single storey - ask if these can be changed?
- Note that houses are far enough away from the social club
- Want to know the boundary treatments next to the club and grounds
- Asked if parking could be provided along the new road or in the open space when the club is busy
- The club welcomes the affordable housing in the village particularly as the club is making changes to become more a family friendly community facility instead of a club.

Merriott Heritage Trust have written to object and advise that they have written to the Land Registry to object to the incorporation of Holwell Lane, an ancient Green Lane from Lower Street, into the application site. This is maintained by the Somerset County Council as a public footpath. The MHT claim that the current applicant and the previous owners do not own this right of way. They request deferral of the application until this has been resolved by the land Registry.

Officer comment: The case officer asked the agent about the footpath. This was referred to the applicant who has advised that they have discussed this claim regarding ownership of the footpath through the site with their solicitor. 'Although the MHT is asserting that the Land Registry should never have allowed the Osbornes to claim title to part of the site, where an access is/was allocated, there is no substance in this. When Stonewater purchased the site from the previous landowners, The Osbornes, they had a registered freehold title absolute, which means that the Land Registry were certain that the Osbornes had good title. Therefore when Stonewater purchased the site we also have registered freehold title absolute'.

The Merriott Heritage Trust have also raised objections in respect of the loss of valuable green open space, lack of housing need, an unsustainable site, damage to the County Wildlife Site, harm to the setting of the Conservation Area, and there is an alternative access options into the site which would be less harmful to the stream footpath and County wildlife site.

The Campaign to Protect Rural England submitted a letter on this application. Previously raised concerns about the level of development and still retain these concerns whilst accepting the principle for up to 30 units has been previously established. As a full application, there is scope to revisit the access, impact to the stream and alternative access options. Protection of the character and ecology of the area should also be considered.

CONSIDERATIONS

Principle of development

Outline consent for approximately 30 dwellings was granted in 2017 and, therefore, the principle of residential development has been accepted on this site.

Merriott is classed as a rural settlement in the adopted South Somerset Local Plan where development is strictly controlled. Development should be limited to that which provides one or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly affordable housing. The adopted Local Plan seeks to direct most of the housing growth towards Yeovil, the market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of at least 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan in regard to the distribution and spread of housing, and is designed to take advantage of employment and service opportunities in the larger settlements.

Merriott does benefit from a range of local services and facilities including a garage, a post office, a petrol station, butcher, a pub and social club, village hall, a church, a pharmacy, a primary school, pre-school and play/sports facilities. On this basis, the village clearly meets the criteria under Policy SS2 of the Local Plan for allowing development in rural settlements. Whilst, as with many rural areas, employment opportunities are low, and public transport provision is poor, people are increasingly either running businesses from home or working from home with a reduced need to travel to a main office. Taking into account the facilities available in the village, it is considered to be a settlement as being a sustainable location appropriate for development.

It should also be noted that whilst Policy SS2 has to be taken into account, insofar as parts of the policy are considered to be a housing constraint policy, due to the Council's current lack of a 5 year supply of housing, it is considered to be an out of date policy. Only limited weight can therefore be attached to Policy SS2.

As the principle is accepted, an assessment therefore now has to be made as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. In this case, the benefits of the scheme would be the provision of housing, including affordable dwellings, economic benefit during construction and the spend of new occupants in the village. In addition, money from the Community Infrastructure levy, of which 15% will go to Merriott Parish Council.

As a full application, this current proposal is a standalone application from the outline proposal. The key considerations in this case are whether the proposed number of dwellings are acceptable, taking into account the site individually and the cumulative number of dwellings completed and consented over the plan period. Moreover, an assessment has to be made in respect of the access, parking provision, layout and design of the houses, impact on the character and appearance of the area and impact on the amenity of adjoining occupiers.

Housing Need/Local Plan housing strategy

Objections have been received to the application on the basis that there is no proven housing need for additional housing in Merriott. In addition, the Parish Council has recently undertaken its own housing needs survey. 1,000 surveys were distributed with 278 being returned hence a return rate of 28%. In summary, the published report states that there is an expressed need for 10 intermediate houses in Merriott but insufficient evidence to verify this. In regard to the provision of affordable housing, 24 households/individuals within a household expressed strong links to the village and felt they may need affordable housing in the parish of Merriott. Three of these respondents are currently registered on Homefinder Somerset.

The Housing Needs Survey provides useful evidence as to the housing needs in the village. However, this must be set against the context of the overall housing needs for the district. As outlined above, whilst Policy SS2 seeks to strictly control development, rural settlements are expected to contribute to meeting the district's overall housing needs. It is not considered that it would be reasonable to refuse this application simply on the basis that there is no housing need. There is clearly a housing need in the district and the Council are currently not able to demonstrate that it is meeting its housing targets. Indeed, the housing supply position has worsened with the most recent report stating that the Council

currently has a 4 year supply, compared with the previous figure of 4.2 years. Accordingly, as a housing constraint policy, the NPPF advises that such policies are considered out of date and can only be afforded limited weight in the decision making process.

Given this context, the next assessment is whether the adverse impact of approval of this scale of development would significantly and demonstrably outweigh the benefits. Major new residential developments have been approved in Merriott in recent years, in particular 24 units at Moorlands, Tail Mill with 45 and Shiremoor with 30. Moorlands is nearly complete but it is understood that work has stopped at Tail Mill due to poor sales. Shiremoor currently has outline consent with a pending application for 39 units and has not commenced. In total, as at 31st March 2018, there have been 58 completions and 84 commitments (i.e. sites with planning permission but yet to commence). This gives a total of 142. The latter would largely be made up of the current permission at Shiremoor and Tail Mill. The benefits of this scheme would be the provision of housing, including affordable dwellings, economic benefit during construction and the spend of new occupants in the village. In addition, money from the Community Infrastructure Levy, of which 15% will go to Merriott Parish Council.

In terms of assessing the scale of growth, and given the extant permission, the scheme would add to the 142 already consented giving a figure of 201. This would exceed the housing figures for Stoke Sub Hamdon and Ilchester which are classed as rural centres and in the tier above Merriott. The next tier of settlements above rural settlements in the local plan are the 6 rural centres and these generally have a target of over 200 dwellings. However, Stoke sub Hamdon, whilst included as a rural centre has a housing figure of only 51 to reflect its smaller scale and nature. Ilchester with 141 but has major constraints due to archaeology and airfield noise restrictions. Therefore the total of 201 would sit at the lower end of the larger rural settlements. Given the assessment is for 9 additional dwellings over that which have permission and could be built on the site, it is not considered that the hierarchical strategy of the local plan would be significantly harmed by this proposed development.

Highways/parking

Concern has been raised at the increased level of traffic and overall highways impact of the proposed development. It was previously accepted that the scheme would result in additional traffic. However, the Highway Authority are satisfied that the traffic impact of the scheme, with the additional 9 dwellings, would not be severe i.e. the test as outlined in the NPPF.

In terms of the access point, this is gained from Shiremoor Hill, as approved at the outline stage. The Highway Authority have assessed the access arrangements and are considered to be generally acceptable for the increased level of development now proposed. The new access to the public highway will require a suitable legal agreement with the Highway Authority, to agree the technical details. This is separate from any planning approval. Technical advice has been provided to the applicant and the Highway Authority encourage early engagement with them to allow sufficient time for this process to be undertaken.

In regard to the alignment of and technical details of the internal access road, amendments have been undertaken to the scheme, particularly in regard to the point it crosses the public right of way and the brook. Discussions took place between the agent and County Rights of Way officer regarding his original concerns. As a result of these discussions the height of the new access road where it crosses the road has been lowered by 1.4 metres; the width of the road where it crosses the brook has been reduced to a single carriageway, thus reducing the length of the culvert works and hence reducing the visual impact of the road where it crosses the brook. Moreover, the public footpath CH 19/16 has been relocated 9 metres to the west. The previously proposed ambient steps have now been removed and is now ramped at a gradient not exceeding 1 in 12. Most structures have now been removed allowing earthworks and landscaping to provide a more attractive public realm.

In regard to a desire of the Parish Council to have a bridge over the brook, the applicant has carefully considered this idea. However, the applicant has stated that this would have required the road to be

constructed 1.4m higher than now proposed with an adverse landscape impact. A bridge proposal would also need to be approved by the County Council to meet adoptable standards. This would cause long delays to the scheme. In addition, it would not be financially viable. Moreover, the new route would also provide improved accessibility for all users including wheelchair users. This compares with the current route which is not likely to be used by wheelchair users due to its restricted width, poor surfacing and obstacles. Disabled access to the open space is improved via the relocation of footpath CH19/17 being more centrally located.

In regard to parking provision, the scheme falls below the optimum standard (117-125 spaces) as advised by the adopted parking standards. 93 spaces are provided including 8 visitor spaces. The Highway Authority have not objected to the level of parking provision but have advised that this may result in parking on the highway and resultant inconvenience and obstruction to road users. The main shortfall in provision is for the 3 bed dwellings where 2 spaces are provided rather than 3 spaces per dwelling as required by the adopted parking standards. On balance, in the absence of an objection from the Highway Authority, it is considered that the level of parking provision is acceptable and would not result in a severe highway impact.

In regard to alternative vehicular access options, whilst outline consent was granted via Shiremoor Hill, it was hoped that access could be gained through Manor Drive which would negate both the need to create the new access from Shiremoor Hill and the resultant internal access road through the wooded area and across the brook. Another option that has been presented is further to the south at 73-77 Shiremoor Hill. The agent and the applicant's solicitors have explored these options. In regard to Manor Drive, this option would likely raise objections from residents of Manor Drive and is also under the ownership of an adjoining property but the title cannot be relied upon as there may be other third parties with a vested interest. Moreover, although the value of this ransom strip may have been significantly reduced by the current planning permission, it still retains a reasonable monetary value. Given the tight financial viability of the scheme, it would not be a viable option. The other access option involves at least 2 land owners and this option has been deemed untenable.

Landscape Impact /Setting of Conservation Area

The biggest landscape and Conservation Area setting issue identified at the outline stage other than the proposed access point, was the possibility of dwellings located on the northern side of the brook/wooded area. It would be preferred to have no development on this side leaving it clear from development other than the new road infrastructure. The 2 proposed detached dwellings on this side of the site are well designed and constructed with natural ham stone and slate tiles. One plot (38) would sit behind and close to the squash club building, thus largely be screened from view from Shiremoor Hill. The second plot (39) would be set further into the site and more prominent. However, it would be designed and constructed of the same materials as plot 38. Whilst these dwellings would be visible from the areas of open space and from public footpaths, and would have a visual impact, it is considered that the landscape harm would not be so adverse to warrant refusal on landscape or harm to the setting of the Conservation Area.

Residential Amenity

It is considered that the layout and orientation of the proposed units have been designed to respect the privacy of adjacent occupiers. A number of bungalows are proposed along most of the boundary they will share with existing units. Along with new fencing and landscaping, it is considered that this will protect the amenity of both new and existing occupiers.

Ecology

The Council's Ecologist is satisfied with the Ecological Assessment Report that was undertaken and submitted with the application and agree with its conclusions and recommendations. The report's recommendations for biodiversity enhancement, through native species planting, are incorporated into the landscape plan. The report makes recommendations for mitigation and these include pre-construction badger surveys, slow worm mitigation, and protection of sensitive habitats. On this basis

there are no objections on ecological grounds.

Viability

The applicant has submitted a confidential viability appraisal with the applicant stating that the scheme is not sufficiently financially viable to provide the requested planning obligations other than the provision of affordable units. This appraisal has been forwarded to the District Valuer to undertake an independent assessment. The report is due to be received prior to the meeting of the Area West Committee. An oral update will be given at committee. If any member wishes to know more about the viability assessment, please contact the case officer direct.

SECTION 106 PLANNING OBLIGATION

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution of £86,712 towards the provision of sport, play and strategic facilities; and
- 3) Contribution of £153,166 towards education provision;

COMMUNITY INFRASTRUCTURE LEVY

The application is CIL liable. This would be charged at 40 per sqm. 15% of the total received would go to the Parish Council.

RECOMMENDATION

Grant permission subject to the:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution of £86,712 towards the provision of sport, play and strategic facilities; and
- 3) Contribution of £153,166 towards education provision;

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg No: 3808 DR -A-001
Dwg No. 3808 002 C Site Plan
Dwg No. 3808 108 A Plots 9 - 11 Floor Plans
Dwg No. 3808 109 A Plots 9 - 11 Elevations

Dwg No. 3808 119 A Plots 24 - 26, 28, 29 Floor Plans
Dwg No. 3808 120 A Plots 24 - 26, 28, 29 Elevations
Dwg No. 3808 130 A Sections AA & BB
Dwg No. 3808 131 C Section CC
Dwg No. 3808 132 Plot 27 Floor Plans
Dwg No. 3808 133 Plot 27 Elevations
Dwg No. 3808 134 Sections EE & FF through footpath
Dwg No. 210 - Site wide planting plan
Dwg No 129 - Garages for plots 38 and 39.
Dwg No's 100, 102, 103, 104, 105 106, 107, 108, 110, 111,112, 113,114, 115, 116, 117, 118, 121, 122, 123, 124,125, 126, 127 and 128.

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

03. The development shall be undertaken in accordance with the submitted Ecological Assessment Report (WYG, 14th June 2018) recommendations (summarised in section 5).

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan.

04. No development hereby approved which shall interfere with or compromise the use of footpaths CH 19/17 or CH 19/16 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths.

05. 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 phased scheme of tree and hedgerow protection measures 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 (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 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 a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve 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.

06. No work shall commence on the development site until a suitable access has been provided generally in accordance with that shown on drawing 00737-YHYD-XX-XX-DR-TP-0103 and carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

07. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of a line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 42m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

08. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction works, and thereafter maintained until construction discontinues.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

09. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

11. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

12. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

13. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

14. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the SSLP.

15. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

16. The new development shall not be commenced until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan Statement as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan Statement that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP.

17. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
Construction vehicle movements;
Construction operation and delivery 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;
A scheme to encourage the use of Public Transport amongst contractors; and
Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

18. No dwellings hereby approved shall be constructed above base course level until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and setting of the Conservation Area to accord with Policy EQ2 of the SSLP.

19. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development hereby approved is properly drained.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
02. The County Rights of Way Officer has advised the following:

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The applicant could submit a revised layout plan for plot nos. 32-37 and no. 6 which does not obstruct path CH 19/17. Note that the path lines on the attached plans are only centre lines. A path width plan can be prepared and provided upon request for £40.

In addition:

The construction of the proposed alternative route for path CH 19/16 will be subject to technical approval as part of any wider S38 agreement. The crossing point of the access road across path CH 19/20 will require dropped kerbs and, subject to a safety audit and technical approval, the path may require diversion to a safer route.

Due to the potential for any diversion of rights of way to be diverted onto hard surfaced routes, it may be necessary for a legal agreement to cover the works and secure a contribution/commuted sum.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
 - New furniture being needed along a PROW.
 - Changes to the surface of a PROW being needed.
 - Changes to the existing drainage arrangements associated with the PROW.
 - If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
 - then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>
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