

## Officer Report On Planning Application: 17/03800/OUT

<b>Proposal :</b>	Erection of 25 dwellings and formation of access (outline)
<b>Site Address:</b>	Land Os 3727 Part Windmill Hill Lane Ashill, TA19 9PA
<b>Parish:</b>	Ashill
<b>NEROCHE Ward (SSDC Member)</b>	Cllr Linda P Vijeh
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	25th December 2017
<b>Applicant :</b>	Mrs Prudence Griffiths
<b>Agent: (no agent if blank)</b>	ARK The Coach House Preston Barn Ramsbury Marlborough SN8 2HF
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### FOR REFERRAL TO REGULATION COMMITTEE

This application has been referred to the Regulation Committee following consideration by the Area West Committee on the 15th August 2018. Area West Committee were minded to refuse the application and on the basis that it is a major application is referred to the Regulation Committee to make the final determination. Area West Committee were minded to refuse the application on sustainability and landscape grounds. Members did not consider that Ashill is a sustainable location for this scale of development given its limited services and facilities. Concern was also raised about the harmful landscape impact that would be caused by the proposed development.

The full officer report as presented to the Area West Committee is included below.

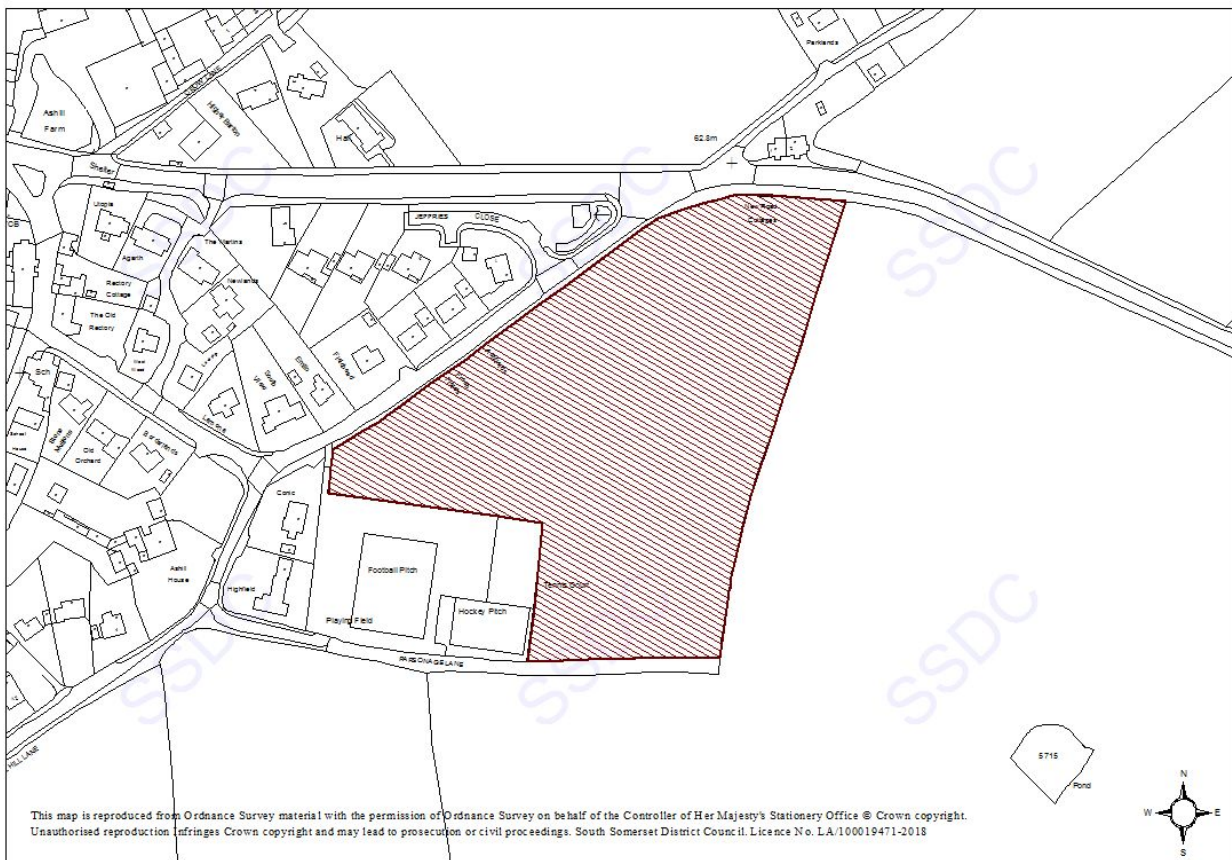
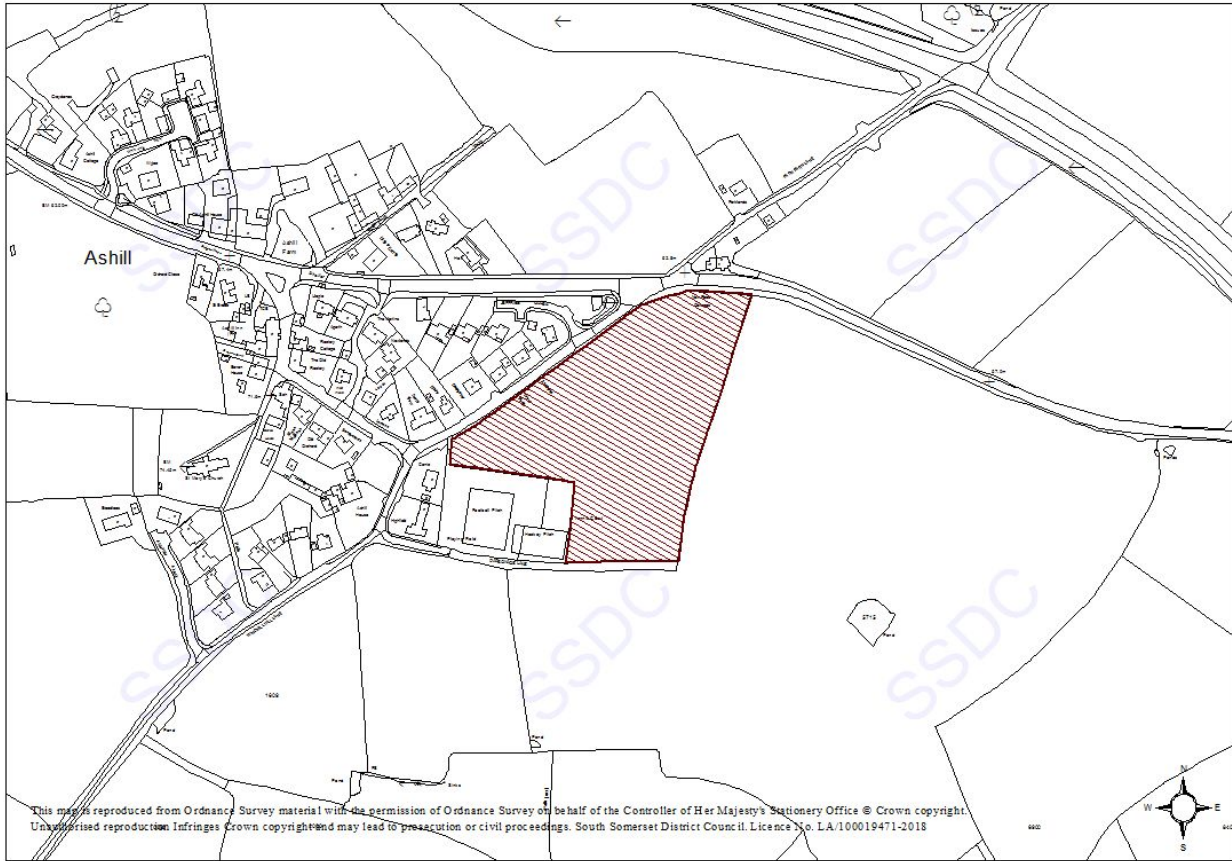
### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Area Committee at the request of the Lead Specialist (Planning), after consultation with the Ward Member and Vice Chair, in the public interest for discussion regarding the level of development and site specific issues raised locally.

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 site is located on agricultural land at the eastern end of the village of Ashill, on the south eastern side of Windmill Hill Lane, with the Old A358 running to the north. Residential dwellings face the site to the west with 2 further dwellings and the recreation ground to the south west. The site adjoins fields to the south and east with 2 cottages to the north on the opposite side of the Old A358. The site is bounded by hedgerows with a few trees within boundaries next to the recreation ground and along Windmill Hill Lane.

## **PROPOSAL**

The scheme, as amended, seeks outline consent for the erection of 25 dwellings and a new access. The scheme originally sought approval for 30 dwellings. Access and layout is sought for approval at the outline stage with scale, appearance and landscaping to be determined at the reserved matters stage.

The amended plans show the housing to be spread across most of the site with an enhanced landscape buffer along the southern, eastern and northern boundaries. Vehicular access will be gained from Windmill Hill Lane opposite the entrance to Jeffries Close. In addition to this access, pedestrian access will also be provided in the south west corner by linking to the existing footpath which serves the recreation ground. The hedgerow along Windmill Hill Lane will be largely retained other than for the removal of a small section to create the new access and realignment of a section of the hedge either side of the access to provide the required visibility splay. An existing field gate in the top north corner will be closed off.

The scheme will comprise houses fronting Windmill Hill Lane with the new estate road running through the centre of the site with sections running off to the north and south. Properties fronting onto Windmill Hill Lane will now be served by a rear access road rather than direct access from the existing road.

## **HISTORY**

There have been a number of applications dating back to the 1960's for residential development which were refused. The last application was in 1990 (app no: 902990) for the erection of 6 low cost dwellings which was refused and dismissed at appeal. Reasons for refusal included: harm to landscape, extending the village beyond its boundaries harming the character of the village, unacceptable layout, highway safety concerns and inadequate foul and surface water drainage details. An appeal was lodged and the decision was upheld by the Inspector.

## **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 (Adopted 2015)  
SD1 Sustainable Development  
SS1 Settlement Strategy  
SS2 Development in Rural Settlements  
SS5 Delivering New Housing Growth.  
SS6 Infrastructure Delivery.  
HG3 Provision of affordable Housing.  
HG5 Achieving a mix of Market Housing  
TA4 Travel Plans  
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

EQ1 Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

National Planning Policy Framework:

Chapter 2 - Achieving Sustainable Development

Chapter 8 - Promoting Healthy and Safe Communities

Chapter 12 - Achieving Well designed Places

Chapter 14 - Meeting the challenge of Climate Change, flooding and coastal change

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

Somerset County Council adopted Parking Standards

## **CONSULTATIONS**

### **Ashill Parish Council: (First response)**

The above planning application was considered at a meeting of Ashill Parish Council held on 9 October 2017 and please find the following comments made on behalf of Ashill Parish Council.

#### Principal

The site is a green field and is situated in a rural location on the edge of Ashill village. Ashill is predominately made up of individual properties and small scale housing developments. The Council therefore has concerns regarding the size, design and access of the proposed development which is considered to be completely out of character and overbearing in the context of the surrounding properties and the village. The Parish of Ashill has no demonstrable need for the delivery of the proposed mix of dwellings in a large scale development.

#### Landscape / Wildlife

The Council considers the proposed development - which would arbitrarily extend the eastern boundary of the settlement of Ashill out into open countryside - would adversely affect the setting and identity of the rural village. There are concerns regarding the loss of a green field, the proposal to remove 6 sections of about 10 feet of the established hedgerow adjacent to Windmill Hill Lane and the impact the development would have with regard to local wildlife habitats. The proposed landscaping scheme seeks to mitigate some of the impacts of the development but it is not clear how this would be maintained in the long term.

#### Sustainability

The site is remote from local key services - the site entrance is located a distance away from the nearest bus stop which had an inadequate bus service when this planning application was submitted - however since this planning application was submitted the limited bus service has now been cancelled. The village has no retail provision, community facilities are limited and employment opportunities are few. This means it would be necessary for the development to be constantly served by private and commercial vehicles which would result in unsustainable development in the context of this location.

#### Highway Safety / Parking

Windmill Hill Lane and the existing road network is not adequate enough to accommodate the additional residential traffic. Windmill Hill Lane is narrow and has limited forward visibility - footways and off road provision for cyclists and horse riders in this area is also limited - an increase in traffic within this local and confined road network would therefore adversely affect safety for all road users. There are currently uncertainties regarding the future of the local road network due to the proposed upgrading of the A358

which could create a further increase in vehicle movements along the old A358 carriageway. There are also concerns regarding an increased level of parking along Windmill Hill Lane which could be caused due to the proposed development.

#### Drainage

There are concerns regarding whether the surface water drainage could be managed in a sustainable way whilst not creating an adverse impact on existing properties and elsewhere. There are also concerns regarding the sustainable management of foul drainage and sewage treatment.

#### Environmental Impact

The proposal would affect the residential amenity and privacy of the surrounding properties and the leisure amenity of the playing field. The Council has concerns regarding the increased noise, light, air and other substance pollution which would be caused by this development.

#### Design & Access Statement

The Council has doubts about the accuracy of the pre-application consultation report as, for example, the Clerk to Ashill Parish Council did not attend the drop-in session held on 27 June 2017. Also the Planning Agent has not engaged in any dialogue with Ashill Parish Council regarding local housing need and views on other aspects of the proposal including the suggestion which has been made to provide a public toilet.

#### Planning History

The last time there was a proposal to develop this site for housing - 12 dwellings later reduced to 6 back in 1991 - it is understood that SSDC refused permission on the grounds that :

- It would adversely affect the character of this 'attractive area of countryside';
- The form of layout, which allowed for extension in the future, was out of character with the 'older and more attractive form of development of this pleasant village';
- The increased use of the 'substandard' junction with the A358 such as would be generated by the proposal 'would be prejudicial to road safety';
- The information submitted on the means of disposal for foul and surface water drainage was unsatisfactory.
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It is understood that SSDC's decision was endorsed by the Planning Inspectorate in January 1992. The Inspector commented that the character of Ashill would suffer 'serious harm' as a result of arbitrarily extending the eastern boundary of the village into open countryside.

#### Conclusion

Ashill Parish Council is of the opinion that nothing materially has changed since the planning application of 1991. Having given consideration to this current planning application it has resolved that the principle of the development of this site is unacceptable and therefore objects to this proposal.

#### **Ashill Parish Council:(March 2018)**

I refer to the amendments for the above planning application which were considered at a meeting of Ashill Parish Council held on 5 March 2018.

#### Revised Layout

It was noted the revised layout - particularly that overlooking Windmill Hill Lane - attempts to mitigate the need to create fewer breaches in the existing hedge but turning the houses around so that they back on to Windmill Hill Lane would make them look even more out of character, overbearing and not neighbourly in the context of this location and with regard to the houses opposite. It has not been clarified as to how the hedge could be sustainably managed which would be important in order to maintain the visibility splays and also how it could be protected from being breached by new homeowners who might wish to create accesses on to Windmill Hill Lane from back gardens. It was also considered there is not

enough provision made for there to be adequate parking within the curtilage of the site to service the needs of 25 houses and this would inevitably lead to parking on Windmill Hill Lane. The junction of Windmill Hill Lane / Old A358 creates a blind bend which is already very dangerous as cars regularly swing around this corner at speeds of up to 50 mph and therefore Ashill Parish Council objects to the proposal for there to be an entrance to a housing development - so near to this corner - directly opposite Jeffries Close. The Parish Council objects to the proposal for there to be a number of access points to the Playing Field on the grounds of safety, security and privacy and also objects to the proposal - on the grounds of safety - for there to be a sloping footway leading away from the playing field where children could run out on to Windmill Hill Lane without being seen by approaching drivers.

#### Additional information in response to lead flood authority comments

The topography of the site is sloping and not 'relatively flat' as described in the Drainage Statement provided by the Planning Consultant dated 17 December 2017. Surface water does run down to Venners Water and this has historically caused a direct impact on incidents of flooding and drainage issues in the Parish of Ashill. The Drainage Statement states that the 'proposed development would be designed to minimise the adverse surface drainage risk'. The Parish Council is of the opinion that minimising risk is unacceptable and there should be no adverse surface drainage risk. It has not been clarified as to how the proposed wildlife pond to be located at the north east of the site - which now may be incorporated to be a balancing pond - and the proposed SuDs Drainage System is to be sustainably managed and maintained. It was noted that as of 16 February 2018 the Somerset County Council Flood Risk Officer had not commented on this Drainage Statement.

#### Number of dwellings reduced to 25

The Parish Council referred to its comments which were made to SSDC dated 18 October 2017 and 20 November 2017 and unanimously resolved that the reasons for objecting to this proposal have not changed. Having given consideration to the proposed Revised Layout and the Additional Information with regard to Lead Flood Authority Comments it was unanimously resolved to continue to object to this proposal.

#### **Highway Authority: (summary) (1st Response)**

The Highway Authority does not object to the principle of development as the traffic impact of the development is not likely to have significant impact on the existing highway network. However, did identify a number of issues that would adversely affect the operation and safety of the roads and footways adjacent to the site. In particular, a safe means of access to the site has not been demonstrated along with the proposed estate road layout. In addition, parking levels fall below the adopted optimum parking standards.

#### 2nd response following submission of amended plans:

The Highway Authority reviewed the amended plans and layout. They are satisfied with the revised parking levels and welcome the removal of the individual direct access points from Windmill Hill Lane. In regard to the access, would still prefer for the cross roads arrangement to be revised but accept due to the relatively low traffic levels that this will not create a severe highway impact. Splays and full technical details of the access will be conditioned. Pedestrian links to the site are also sought and will be conditioned. The internal estate roads would not meet adoption standards and therefore the roads would be private and subject to the Advance Payments Code. On the basis that the above improvements can be secured via conditions, the Highway Authority do not consider that the highways impact are severe and do not raise an objection to the scheme.

#### **Landscape Officer: (summary of 1st Response)**

An objection to the scheme is raised as the proposal fails to either conserve or enhance local character. In particular, concern is raised that a development of 30 dwellings over the whole field would project built form eastwards into open countryside, well beyond the current tightly defined edge. The integrity of the roadside hedgerow will be lost with the number of access points. Also advise against defining the site entrance with a parking area to one side, lack of direct surveillance of the village rec and landscape

buffer is not integrated into the design. In addition, is concerned at the cumulative landscape impact on the village of this and an additional major residential application in the village.

**Landscape Officer: (summary of 2nd response)**

The amended scheme is an improvement, with less breaches of the roadside hedgerow, house numbers reduced and development footprint reduced, albeit only marginally. However, still maintains a landscape objection for the substantive reasons given in the first response above.

**Conservation Officer:**

Originally requested that the Listed road sign on Windmill Hill is accurately plotted on the layout plan. This was undertaken.

The Conservation Officer was concerned about the harmful impact on the significance of the listed road sign due to the number of new vehicular access points that will puncture the hedgerow. These access points should be reduced to protect the setting of the sign. In addition, if a pathway is requested by the Highway Authority on the verge, it is recommended that the new path is created within the site.

In regard to the amended plans, the impact on the road sign is now acceptable. Permitted development rights are asked to be withdrawn to prevent fences etc replacing the hedgerow and new accesses being created to protect the listed sign.

**Housing Officer: (summary)**

Seek 35% affordable housing with a split of 80:20 social rent / intermediate option.

Space standards are recommended for the different sized homes. Seek 9 affordable units in total with the following mix: 2 x 1 bed, 5 x 2 bed and 2 x 3 bed dwellings.

**Ecologist: (summary)**

The Ecologist has noted the submitted biodiversity report along with the concerns of local residents and Somerset Wildlife Trust. The field which comprises improved grassland is a habitat type that generally has limited biodiversity value. The bordering trees and hedges will have some value but not of any exceptional nature conservation interest, most of which are proposed to be retained as part of the development. The Ecologist does not consider the time of year the survey was undertaken to be a significant limitation on the validity of the assessment (undertaken in February). A condition is recommended in regard to legally protected species.

**Somerset Wildlife Trust:(summary)**

A more detailed assessment should be undertaken at a more appropriate time of year when more species will be active to identify the full range of wildlife that lives on site.

**County Rights of Way:**

Confirms that there is a right of way that abuts the site to the south of the site. Recommend a bridleway link in the south east corner of the site and provide advice to ensure the health and safety of users of the public right of way during construction.

**Wessex Water:**

Wessex Water originally objected to the proposed development on public health grounds due to the fact that this scheme would take the existing sewage works over capacity. A capacity appraisal will be required and confirm the scope of improvement necessary to accommodate the additional input from this development. In terms of surface water drainage, there are no public surface water sewers in the vicinity of the site and will require the approval of the Local Lead Flood Authority. In regard to water supply, there is sufficient capacity in the network to accommodate the development.

Following receipt of the above, Wessex Water confirmed that they have undertaken a formal appraisal and reviewed against the main works at Ashill. Initial appraisal works confused the smaller works known as Windmill Hill which has a much smaller works capacity. Accordingly, Wessex Water withdrew their

original objection.

Officer comment:

Local concern was raised about the change in stance from Wessex Water. However, the Local Planning Authority accepts the initial incorrect assessment and that the main sewage works has capacity to accommodate the development.

**Local Lead Flood Authority (LLFA):(summary)**

Originally objected on the basis that there is a lack of information in regard to surface water drainage details and potential in flood risk posed by the development. Following additional information supplied by the agent, including a drainage statement, the LLFA sought information in regard to drainage details, in particular a Flood Risk Assessment, run off rates, adoption and maintenance of the drainage systems. If the Council are minded to approve outline consent, a range of information should be submitted with the reserved matters application. This will need to demonstrate in particular that the development can be adequately drained and assessments undertaken to demonstrate that there will be no surface water flooding up to the 1 in 30 year event and flooding up to the 1 in 100 year event.

**Environmental Health Officer:**

No objections or comments on this application.

**REPRESENTATIONS**

34 letters/emails were received in regard to the original submission raising the following objections:

- Harmful traffic/highway impact on local roads
- Major increase in traffic levels, likely increase in accidents.
- Portrayal that the village was generally supportive is not correct
- Lack of infrastructure within the village to cope with the proposal
- Impact on local water supply
- Village needs more affordable homes - the proposed homes too large.
- Scale of development too excessive for the village.
- This scale of growth not required in Ashill - no need for this development
- Very limited public transport
- Lack of employment/facilities in the village
- Not sustainable - future residents will need to travel out of village for work, shopping and leisure
- Pollution increase
- Harmful impact on wildlife and hedgerow
- Harmful to the character and appearance of the village - site is outside of the village boundary
- Loss of privacy to existing dwellings
- Surface water/flooding concerns
- Lack of parking will result in more parking on local roads.
- Who needs and who would have responsibility for maintaining proposed toilet block?
- Impact on listed road sign
- Scheme refused in 1991 on this site on landscape, highways, character and lack of info on drainage.
- Public transport detail incorrect - no buses
- Current application site at the orchard better option
- No pavement along Windmill Hill lane - danger to pedestrians especially school children.
- Proposed new A358 proposals will affect traffic flows through the village, in particular likely increase in traffic flows along Windmill Hill lane.
- Question Wessex Water's position regarding treatment of foul water disposal.



- Peace and tranquillity will be lost

18 letters/emails have been received in regard to the amended scheme and reiterate the various concerns /objections outlined above. The amended scheme has not addressed those concerns/objections.

The Campaign for the Protection of Rural England (CPRE) have also written to object to the application. In particular, the scale of growth is not commensurate with the size of settlement, lack of services and facilities, over reliance on the site being included in the Housing Employment Land Availability Assessment, and landscape grounds. Smaller settlements should not be over-ridden with development because of the inability of larger settlements to deliver enough houses to ensure the Council can meet its 5 year housing supply target.

## **CONSIDERATIONS**

### **Principle**

Ashill 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 1 or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly housing need. The Local Plan seeks to direct most of the housing growth towards Yeovil, market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan and is designed to take advantage of employment and service opportunities in the larger settlements.

It is accepted that Ashill has minimal employment opportunities. Moreover, due to the loss of bus services, there is a low level of opportunity to travel to work by alternative modes of transport other than by car. However, whilst the village only benefits from limited services and facilities, it does have a church, village hall, primary school and a pub. The village does therefore meet the criteria as outlined under Policy SS2 of the local plan, and is therefore considered to be a settlement as being a relatively sustainable location in a rural area. On this basis, and taking account of a number of appeal decisions in other similar rural settlements within the district where Inspectors have accepted residential development, the principle of residential development is considered to be acceptable.

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, only limited weight can 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 9 affordable units, and monies from the Community Infrastructure levy, of which 15% will go to Ashill PC. Housing Need/Local Plan housing strategy

Objections have been received to the application on the basis that there is no proven housing need for this development in Ashill. As outlined above, Policy SS2 of the South Somerset Local Plan strictly controls development. However, as outlined above, 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.

Ashill has had some new residential development, albeit limited development, in recent years. There is also a current application for 26 dwellings in the village but approval has yet to be given for this scheme. However, it is not considered that this proposal along with the total of all other approved development /pending applications in the village would undermine the settlement strategy of the local plan. The next

tier of settlements above rural settlements in the local plan are the 6 rural centres and these generally have a target of 200 plus dwellings. Other than Stoke sub Hamdon, which due to its greater range of services and facilities is included as a rural centre but with a housing figure of 51 to reflect its smaller scale and nature, the total combined developments in Ashill are well below 200 dwellings. Therefore, it is not considered that the hierarchical strategy of the local plan would be harmed by this proposed development.

### **Highways/Parking**

Whilst this is an outline application, planning approval is being sought for access and the layout of the scheme. A new vehicular access will be created from Windmill Hill Lane opposite Jeffries Close. The existing field gate access in the north east corner will be closed off with new planting. The Highway Authority originally raised an objection to the scheme due an insufficient number of parking spaces and a lack of information to demonstrate that a safe means of access can be provided to the new dwellings. Following the receipt of amended plans, and as outlined above, whilst there remain details to be agreed, the Highway Authority are satisfied with the additional number of parking spaces and do not consider that the scheme will create a severe highway impact warranting refusal. The Highway Authority have recommended a number of conditions to secure a number of detailed matters including footpath linkages, access details, visibility, street lighting, a Measures only Travel Plan and a Construction Management Plan.

The amended scheme has increased the level of parking to address the original concerns of the Highway Authority. The original scheme proposed a total of 82 spaces for the 30 dwellings, which was 18 fewer than the optimum target, whereas the revised scheme will provide 80 spaces for the 25 units, which is 2 below the optimum figure. Given the lack of realistic alternative modes of transport available in Ashill, and on road parking that occurs locally, particularly when a local event is being held at the church, it is considered important that parking provision is at or very close to the optimum standards. In this case, it is considered that the parking provision is acceptable and there are no reasonable grounds upon which to refuse the application on this basis.

### **Landscape**

The site is currently an agricultural field on the eastern edge of Ashill. The landscape officer has assessed the scheme and objects as the proposal fails to either conserve or enhance local character. In particular, concern is raised that the development, which extends over the majority of the field, will project built form eastwards into open countryside, well beyond the current tightly defined edge. Having discussed this at length with the landscape officer, and having regard to an earlier scheme in 1991 that included a refusal on landscape grounds, it was clear that there was no objection in principle on landscape grounds but to the extent of development within the field. Hence, notwithstanding the acceptance of some improvement to the scheme, the landscape officer retained his landscape objection.

There is built form to the south of the site with 2 detached properties along with the recreation ground, associated structures and play equipment. In discussions with the landscape officer and agent, a suggestion was made to delete the block of housing in the middle-eastern and south east part of the site. This would curtail the extent of built form to a more acceptable position in landscape terms. The agent did not agree with the substantive landscape concerns and whilst providing a greater landscape buffer along the eastern boundary, dwellings are still proposed in this section of the site. The question therefore remains as to whether the landscape impact is sufficiently harmful to warrant refusal.

Having reviewed the comments from a landscape perspective, and revisited the site, whilst the site does slope, there is no obvious physical point on site to draw a line for development. The block of housing not favoured by the landscape officer would be largely screened from view by the new housing to the north and west and by existing/proposed new planting to the east and north. Subject to the submission of a comprehensive planting scheme, particularly to the eastern and southern boundaries, it is not considered that the block of 8/9 dwellings in the south and middle-eastern area of the site would be so adverse to warrant refusal on landscape grounds.

## **Flooding/Drainage**

The site is located within Flood Zone 1 which means that there is a low risk of flooding from sea or river. Local concern has been raised about surface water flooding. In particular, water running off from this field and into Windmill Hill Lane. Currently, nature takes its course with water from this field and it is certainly not disputed that water running from this field has caused flooding issues on the local roads. With the proposed development, the applicant has to demonstrate that the scheme would adequately mitigate its own drainage requirements and not increase flooding elsewhere.

Following the original concerns of the Local Lead Flood Authority about the lack of information in regard to surface water drainage details and potential in flood risk posed by the development, the applicant prepared a Drainage Report for the foul and surface water details for the development. The scheme will be drained via a Sustainable Urban Drainage System with the details to be submitted to and agreed via condition prior to work commencing on site. The applicant outlines that whilst the site is larger than 1 hectare in area, it is not within an area with critical drainage problems. Moreover, the applicant states that the proposed sustainable drainage system will ensure no adverse flooding impacts on Venner's Water and the river Isle catchments lying below Ashill. In those circumstances, the applicant contends that the Environment Agency do not require a flood risk Assessment.

The LLFA have advised that the applicant should complete a Flood Risk Assessment (FRA) and demonstrate that it will be possible to drain their site if assessment shows that infiltration to the ground is not viable. FRA are usually carried out for developments of over 1 hectare. The agent has advised their position regarding the Environment Agency's advice regarding FRA. Moreover, they advise that if as a result of further investigative work, infiltration to the ground is not possible, an attenuation system will be installed to ensure that greenfield run-off rates are lower than at present. On the basis of a lack of objection from the Local Lead Flood Authority and the options available to deal with surface water drainage, it is considered that conditions can secure full details of the drainage scheme and that this will need to be agreed prior to any development commencing on site. Details can be secured via condition to be submitted at any subsequent reserved matters stage.

In terms of foul drainage, Wessex Water have advised that the local sewage pumping station has the capacity to accommodate this development. An earlier response from Wessex Water raised an objection due to a lack of capacity but they subsequently clarified that this was an error on their part as a smaller plant was being assessed rather than the larger works.

In regard to water supply, Wessex Water have confirmed that there is sufficient capacity in the network to accommodate the development.

## **Heritage Assets**

A listed road sign is located within the verge on the application side of Windmill Hill Lane. The original scheme proposed a number of individual accesses to each of the new properties that fronted onto Windmill Hill Lane. On this basis, the Conservation Officer objected due to the harmful impact on the road sign caused by the proximity of these new access points. The amended plan removed those access points with a single main access point remaining further along the road. The removal of those access points is considered to protect the setting of the sign. The Conservation Officer's recommendation to remove permitted development rights to prevent new accesses and fencing etc is supported. A condition shall be attached to any approval accordingly.

The Conservation officer did not consider that the scheme would cause any harm to the setting of St Mary's Church to the west of the site, due to the distance from the site and intervening housing.

## **Ecology**

The Ecologist has assessed the submitted biodiversity report along with the concerns of local residents and Somerset Wildlife Trust. His advice is that the field, which comprises improved grassland, is a habitat type that generally has limited biodiversity value. The bordering trees and hedges will have some

value but not of any exceptional nature conservation interest, most of which are proposed to be retained as part of the development. On this basis, no objection is raised on ecology grounds subject to a condition in regard to legally protected species. Concern has been raised about the timing of the survey (February). However, the Council's Ecologist does not consider this to be a significant limitation on the validity of the assessment.

Proximity of dwellings to the recreation ground/play facilities.

The original layout placed 6 of the new dwellings within 30m of the recreation ground and play area, with some being less than 10 metres from the play areas. The play officer was concerned that this provided an insufficient distance and the amenity of future residents may be adversely impacted from noise and activity at the recreation ground. The amended scheme has set those properties further away from the recreation ground with 1 only being within 10 metres. 2 existing properties are a similar distance to the recreation ground and it is considered that with additional planting along the southern boundary, the revised plan is acceptable.

### **Other issues**

Previous planning history

As outlined above in this report, previous applications for residential development on this site have been submitted and refused, the last of which was an application submitted in 1990 for 6 low cost dwellings. The site was smaller than the current application site and located adjacent to the current recreation ground and Windmill Hill Lane. The main issue the Inspector considered at the time was that the site lay outside of the established settlement boundary and would therefore be harmful to the character of the village. Whilst this remains a valid consideration, as demonstrated by the Landscape Officer's comments on the current proposal, the planning world is very different from the early 1990's. In particular, settlement boundaries no longer apply to villages and physically extending beyond the established built form is acceptable in principle subject to no significant adverse harm being caused by the development. In comparison to the earlier case, the principle of extending beyond the settlement boundary is acceptable, there is no objection on highway or drainage grounds, and no objection to the form of layout.

The agent has made reference in the supporting documentation to the fact that this site is identified within the Council's Housing & Economic Land Availability Assessment (HELAA). The HELAA is a technical and theoretical assessment of sites which could potentially contribute towards the future supply of housing and employment land within the local plan area. It is important to note that no policy weight is attached to its inclusion in HELAA nor does it imply that planning permission will be granted.

### **Conclusion**

It is considered that the village of Ashill is a reasonably sustainable location and thus the principle of residential development is acceptable in the village. The scheme will make a valuable contribution towards meeting the Council's housing needs, including affordable housing needs. It is accepted that there are local concerns regarding the development but for the reasons outlined above in the report, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits of the scheme.

## **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 towards the provision of sport, play and strategic facilities,
- 3) Contribution towards education provision;
- 4) Submission of a Measures Only Travel Plan; and

5) Provision and maintenance of open space;

## **COMMUNITY INFRASTRUCTURE LEVY**

The application is CII liable and form Zero has been requested.

## **RECOMMENDATION**

Grant Permission

01. The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, provide sufficient levels of off road parking, would not harm ecological interests nor heritage assets and can be adequately drained. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. The development hereby permitted shall not be commenced 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 to accord with Policy EQ2 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

05. Any reserved matters application shall include the recommendations in section 5 of the Biodiversity Survey/Assessment (Lowans Ecology and Associates, 23 February 2017) regarding the detailed development plans (e.g. inclusion of details of biodiversity enhancement measures), further wildlife surveys (for specific species depending on detailed proposals), and for ecological mitigation proposals.

Reason: In the interests of ecology in accord with Policy EQ4 of the South Somerset Local Plan and Chapter 15 of the NPPF.

06. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, no development under Schedule 2, Part 2, Classes A and B shall be undertaken by any of the properties that adjoin Windmill Hill Lane, without the express grant of planning permission.

Reason: To protect the rural character and appearance of Windmill Hill lane and the setting and significance of the listed roadsign in accordance with Policy EQ2 and EQ3 of the South Somerset Local Plan.

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

Drawing numbers: Site layout plan DP101E rev E and DP.100.

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

08. No work shall commence on the development hereby permitted until details of suitable footway improvements have been submitted to and approved in writing by the Local Planning Authority. These improvements should provide a continuous footway of 1.8m width along Windmill Hill Lane from the proposed site access southwards to the existing entrance to the recreation ground, and the provision of informal pedestrian crossing points on Windmill Hill Lane and the old A358, including any footway extensions required to achieve these. Such works shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling within the development is first occupied.

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

09. No work shall commence on the development hereby permitted until details of the means of the vehicle access to the site from Windmill Hill Lane, generally in accordance with drawing number DP101E, have been submitted to and approved in writing by the Local Planning Authority. Such works shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling within the development is first occupied;

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

10. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

11. The applicant shall ensure that during the construction phase 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 development, and thereafter maintained until construction work discontinues.

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

12. 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 Policy TA5 of the South Somerset Local Plan.

13. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 to accord with Policy TA5 of the South Somerset Local Plan.

14. 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 to accord with Policy TA5 of the South Somerset Local Plan.

15. 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 South Somerset Local Plan.

16. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

18. 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, soakaways 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 to accord with Policy TA5 of the South Somerset Local Plan.

19. Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless any agreed measures are being implemented in accordance with an agreed timetable.

Reason: To encourage the use of alternative modes of transport to accord with Policy TA4 of the South Somerset Local Plan.

20. The reserved matters application shall include foul and surface water drainage details to serve the development, to include the details /information as required by the Local Lead Flood Authority in their letter dated 8th April 2018. Before any development commences on site, these drainage details shall have been approved by the Local Planning Authority and 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 in accordance with details submitted and approved.

Reason: To ensure that the site is adequately drained in accordance with the National Planning Policy Framework.

21. 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 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 interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.



**Informatives:**

01. In regard to condition 8, the Highway Authority have advised that the provision of those works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
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