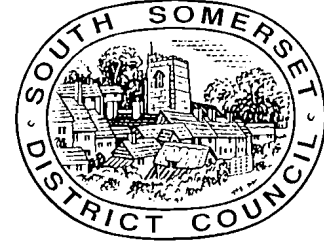


South Somerset District Council

Notice of Meeting



Regulation Committee

Making a difference where it counts

Tuesday 20th November 2018

10.00 am

**Council Chamber
Council Offices
Brympton Way
Yeovil BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



The public and press are welcome to attend.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 12 November 2018.

Alex Parmley, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk



Regulation Committee Membership

The following members are requested to attend the meeting:

Chairman: Peter Gubbins
Vice-chairman: Angie Singleton

Clare Paul
Mike Best
Tony Capozzoli
Anna Groskop

Mike Lock
Tony Lock
Graham Middleton
David Recardo

Sylvia Seal
Martin Wale
Nick Weeks
Colin Winder

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Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Regulation Committee

Tuesday 20 November 2018

Agenda

Preliminary Items

1. Minutes

To approve the minutes of the previous meeting held on 18 September 2018.

2. Apologies for Absence

3. Declarations of Interest

4. Public Question Time

5. Planning Application 17/03985/OUT - Land OS 7800, Wheathill Lane, Milborne Port (Pages 6 - 33)

6. Planning Application 18/00688/OUT - Land South of Church Street, Merriott (Pages 34 - 47)

7. Planning Application 18/00650/OUT - Knights Templar Court Nursing Home, Throop Road, Templecombe (Pages 48 - 63)

8. Date of Next Meeting

The next scheduled meeting of the regulation Committee will be held on Tuesday 18 December 2018 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5

Officer Report on Planning Application: 17/03985/OUT

Proposal :	Outline planning application for a mixed-use development comprising the erection of up to 65 dwellings and convenience store (Class A1), community hub (Class B1); and associated access and landscaping works on land at Station Road with access and associated works.
Site Address:	Land OS 7800, Wheathill Lane, Milborne Port DT9 5EX
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr S Dyke
Recommending Case Officer:	Dominic Heath-Coleman, Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	2nd January 2018
Applicant :	Redcliffe Homes
Agent: (no agent if blank)	Mr Chris Beaver, Planning Sphere Ltd, Coworking, The Guild, High Street, Bath BA1 5EB
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

The application was referred to Area East Committee (AEC) at the request of the ward member, and with the agreement of the Area Chair, in order to allow local concerns to be publicly debated. AEC considered the application on the 10th October 2018, and resolved to be minded to refuse the application and, under the two star procedure, to send it to the Regulation Committee for a decision. They made the following comments:

"Area East Committee argues that because of the overall growth in Milborne Port - the village is now (as set out in the officer report from Planning Policy)."approaching the upper limits of permissible growth". As such the provision of essential enhancements to community infrastructure is a current critical matter. The scheme fails to comprehensively deliver an on-site or in town new convenience store and community hub to support this proposed growth, and as such is contrary to SSDC Local Plan Policies SS1 and SS5

Area East Committee further commented that with regard to the scheme, there remains further concerns and doubt with regard to the following matters:

- *Adequate provision of water pressure and supply*
- *Possible flood alleviation*
- *The loss of some important hedgerow and wildlife assets*
- *The appropriate management of congestion and parking demand*
- *And the lack of formal provision of employment uses to support less commuting"*

The applicant has provided the following responses to the issues raised by AEC.

- (i.) ***"Delivery of Housing in Milborne Port:*** *Whilst we acknowledge that in terms of the development plan's settlement hierarchy, the upper limits of permissible growth in Milborne Port, will be close to being met for the current Local Plan period, these target figures are considered a minimal requirement. Given South Somerset cannot currently demonstrate a 5-year housing land supply, the National Planning Policy Framework (NPPF), Paragraph 11 makes it clear that policies such as SS1 and SS5 cannot be considered up to date and the housing figures set in policy SS5 should not be binding, as such housing applications should be considered in the context of the presumption in favour of sustainable development.*

There is general agreement that the appeal site represents the most sustainable location for development within Milborne Port being easily accessible to the primary school, village centre amenities and the Memorial Playing Fields. This site was recommended for approval at officer level and was supported by the Parish Council subject to conditions. The site has also been identified as a potential housing site (Policy MIP04) in the Local Plan Review Issues and Options Report, which is looking at locations for housing development up to 2034.

In economic terms, it would produce employment benefits during the construction and operational phases of development and would create employment opportunities within the proposed convenience store and community hub building. The local economy would also be likely to benefit from the additional spend arising from this increased population.

In social terms, the both the open market and 35% affordable housing provision would assist in meeting South Somerset's housing requirement. The proposed planning obligations would result in community benefits through the provision of improved facilities at the Memorial Playing Fields, a new road junction off Wheathill Lane/Station Road, a widened pavement along Station Road for pedestrians, a Parish Council community hub and a new public square.

Redcliffe Homes cannot understand how all of these enhancements to existing community infrastructure, which constitute a substantial package of benefits, cannot fail to assist with the self-containment and sustainability of Milborne Port as a thriving local community.

- (ii.) **Delivery of retail convenience store:** Redcliffe Homes is committed to making this mixed-use scheme a success. They have agreed to accept a marketing condition to ensure that the proposed retail convenience store site opportunity is fully exposed to the market. Indeed, soft marketing is already underway with an external agent and discussions are already underway with interested retailers. It has to be recognised, however that delivery of the retail store will only begin to materialise once planning permission has been granted before a retailer will commit to the site.*
- (iii.) **Delivery of Community Hub:** Redcliffe Homes have re-considered the delivery options for the proposed 100 sqm community hub, and propose the following two options that could be included in the s.106 agreement:*

 - **Option A:** transfer of the freehold ownership of a serviced site to Milborne Port PC who will then take on the responsibility for delivering the community hub building through the submission of their own reserved matters planning application, and the subsequent delivery of a community hub building in accordance with their own timetable.*
 - **Option B:** Redcliffe Homes to obtain reserved matters approval and to construct the community hub building for letting to Milborne Port PC at a peppercorn rent for an agreed minimum term subject to Milborne Port PC preparing, within 6 months of the date of the grant of outline planning permission, a business plan that will demonstrate the function of the community hub, how it will be operated, financed and managed.*
- 1. **Adequate provision of water pressure and supply:** Wessex Water has a statutory responsibility for supplying water to the site. No objection has been raised by Wessex Water. The residential proposals will include water efficiency measures to minimise the use of water.*
- 2. **Possible flood alleviation:** the balancing ponds shown on the indicative masterplan have been informed by infiltration tests. The applicant's engineers have re-reviewed the FRA and have confirmed that a compliant surface water drainage system can be delivered on this site without increasing the risk of off-site flooding. The submitted FRA has been approved by the local Lead Flood Authority, Somerset County Council.*

3. **The loss of some important hedgerow and wildlife assets:** *the applicant's ecologists have prepared the enclosed summary note that explains the significance of the site ecology and proposed mitigation. It is evident that the proposed vegetation removal, trees and a small area of hedgerow, is not ecologically significant, and that the proposals will enhance the key boundary hedgerows as part of the comprehensive landscaping proposals. We further note that the Ecology consultation response is 'satisfied' with the protected species survey subject to the implementation wildlife mitigation measures to be included in a Construction Environmental Management Plan (CEMP), which can be secured by a planning condition.*
4. **The appropriate management of congestion and parking demand:** *the transport and movement proposals have been informed by an extensive process of engagement with SCC Highways including a safety audit process. The proposal is in full compliance with SCC's parking standards, and will deliver a range of highway safety benefits in comparison to the existing situation through the provision of a widened pavement for pedestrians along Station Road, and a safer new junction at Station Road / Wheathill Way. Parking spaces will be provided within the new market square to compensate for the loss of existing on-street car parking capacity that will be removed as part of the proposed highway works. Redcliffe Homes will also look to provide EV charging points within the new market square. SCC Highways have raised no objection to the application proposals subject to the detailed design and implementation of the off-site highway works, which can be secured in full under s.278 of the Highway Act.*
5. **The lack of formal provision of employment uses to support less commuting:** *the proposals will provide up to 300 sqm of non-residential floor space including the community hub and the retail store. The residential proposals will look to make provision to integrate home offices as part of the overall housing mix. All homes will have broadband which will enable home working more generally.*

3.0 Determination

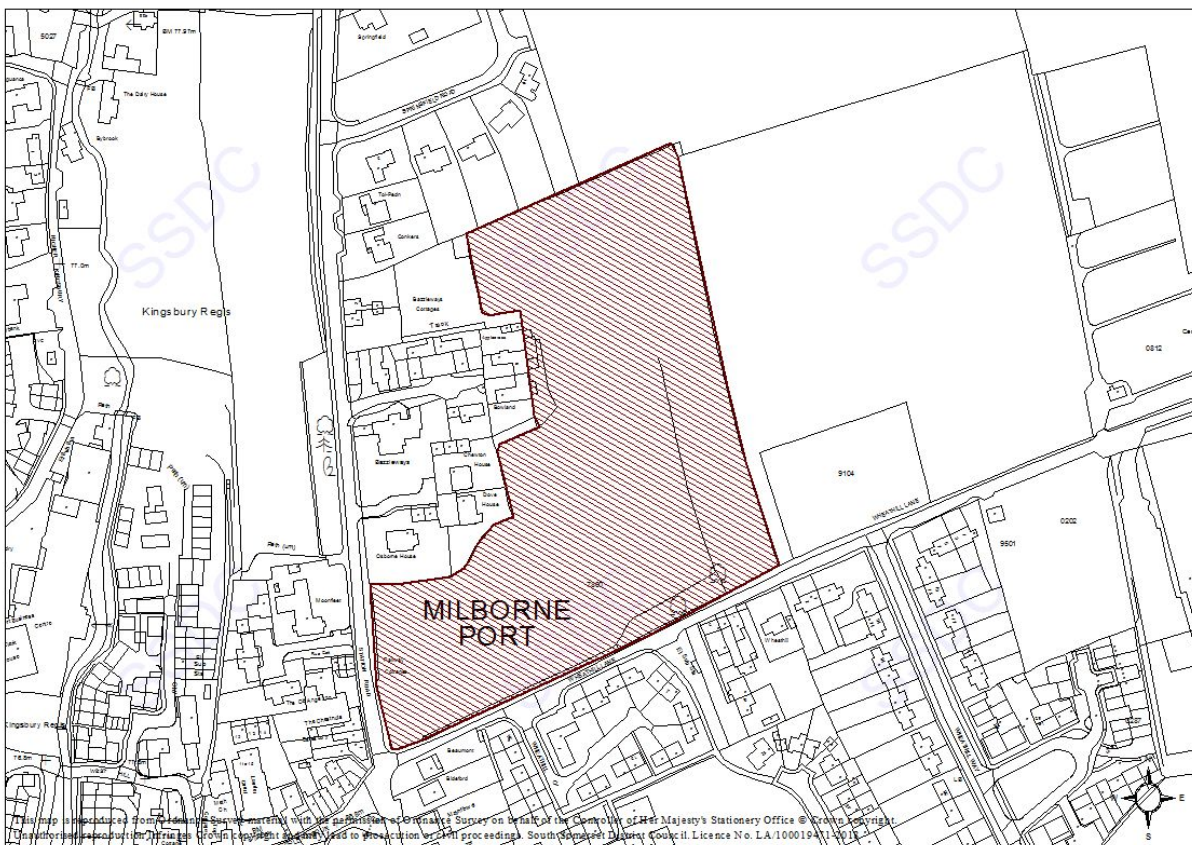
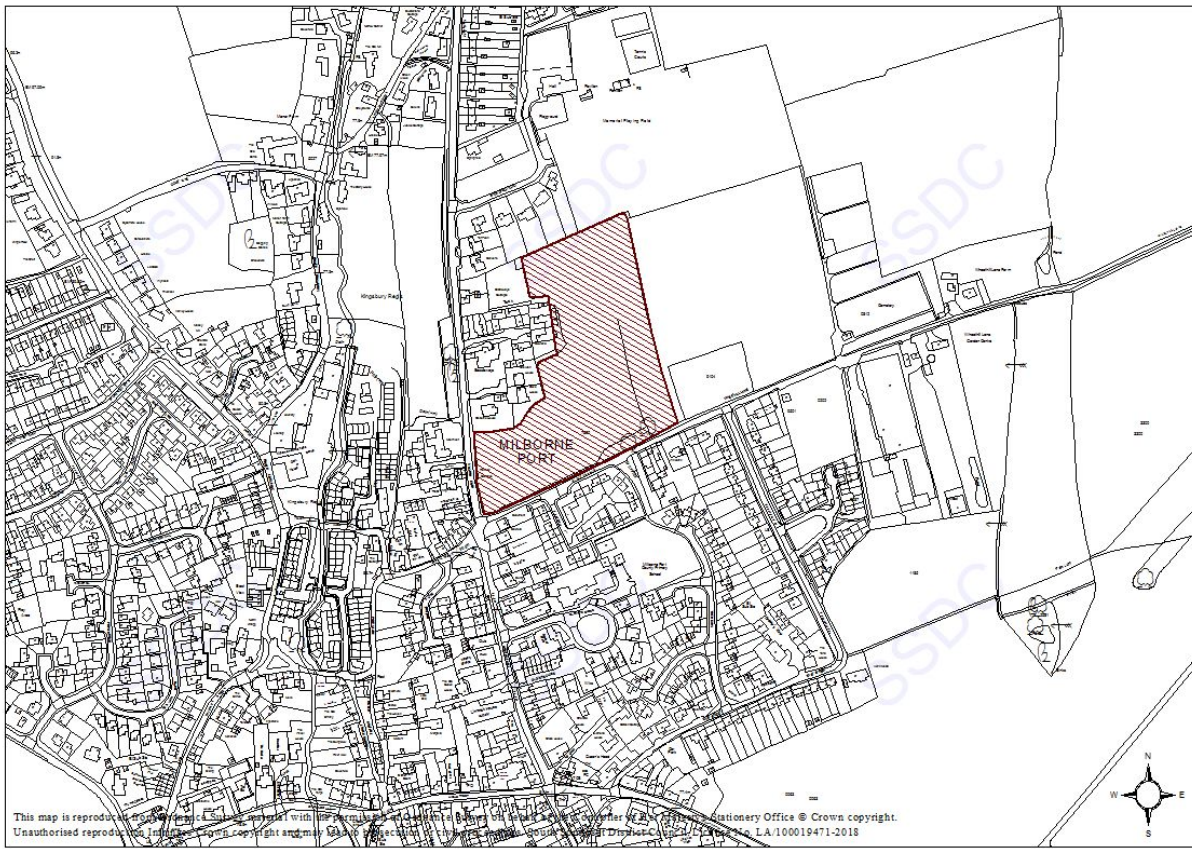
We have demonstrated that the East Area Committee's recommendation to 'refuse' is not well founded in planning terms, and that there is no conflict with the development plan's spatial strategy.

The 'further comments', which relate to various technical issues, have been addressed in the application submission and there are no outstanding objections from the statutory consultees.

On this basis the Regulatory Committee is respectfully requested to support the officer recommendation, which will enable the delivery of this mixed-use application proposal."

The only tangible change from the scheme considered by AEC is the offer regarding the community hub. The proposal considered by AEC was just for option A described above. The proposed option B is considered to be an acceptable alternative in planning terms, and the below recommendation has been updated to reflect that changed offer. In all other respects the report and recommendation below, is identical to that considered by AEC.

SITE DESCRIPTION AND PROPOSAL



This application seeks outline permission for a mixed-use development comprising the erection of up to 65 dwellings and convenience store (Class A1), community hub (Class B1); and associated access and landscaping works. Approval for the principle of development and the means of access is sought at this stage and all other matters reserved for future consideration. The proposed access would be derived from Station Road and would serve the development and form a new junction between Station Road and Wheathill Lane, with the existing junction removed and replaced with a pedestrian/cycle access only.

The site consists of an area of agricultural land currently laid to grass, which sits towards the north-eastern end of the village. The field is largely bordered by mature hedgerows and trees. The site border Station Road and existing residential development to the west, Wheathill Lane, with residential properties beyond to the south, a public footpath and open fields to the east, and residential properties and the recreation ground to the north. The site is not within any special designations and does not sit within an environment agency floodzone 2 or 3. There are a few grade II listed buildings close to the southwest corner of the site. The land is classified as grade 3a agricultural land, so is considered to be the best and most versatile in terms of paragraph 170(b) of the NPPF.

An indicative plan has been submitted with the application that shows a central spine road running from the southwest corner of the site in a broadly north-easterly direction deriving from a single point of access onto Station Road. The proposed access arrangement includes a fork in the main spine road to link the proposed access with Wheathill Lane. The layout shows mixed housing to either side of the central spine road, some of which is accessed from sub-roads forking from the main. The layout shows a drainage feature at the south-eastern corner of the site, and an area of green public open space to the eastern side, just within the northern third of the site. The layout shows a hard surfaced area just to the south of the proposed access, which is also to be used as public open space. The proposed convenience store and community hub are shown in the south western corner of the site, close to the hard surfaced public open space and the site access.

HISTORY

None relevant

POLICY

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places

CONSULTATIONS

Milborne Port Parish Council

"Voted to accept the revised proposals subject to and provided the following conditions are met:

- a) The Community Hub is provided as a 100sm building not as 50sm as stated in the application and to be in built form, subject to PC making a satisfactory use and business case*
- b) The 200sm retail unit is provided in built form before more than 25% houses occupied*
- c) A 2m pavement is constructed opposite the site on the west of Station Rd. This is an absolute requirement. 1.5 m as proposed is inadequate and imposes an unacceptable public risk given the increase in footpath and crossing of Station Rd which will arise from the development*
- d) Satisfactory Section 106 Contributions. We have provided our list of requirements adding to list of contributions already calculated by SSDC*
- e) Affordable homes be allocated to give priority to local people in or connected with the village (and then cascading out to neighbouring areas)*
- f) Acceptable Density The application is for 'up to 65 units'. The PC has some doubts as to whether 65 units would represent a suitable development density .We suggest that the overall density reflects, and is determined by, inter alia, an absolute requirement of adequate car parking of not less than 2 off- road spaces per unit,(or higher if SSDC or national standards require),the semi-rural nature of the site, its environmental constraints, respect to the existing properties on Wheathill Lane and Bazzleways by way of a northern buffer area and all other relevant factor*
- g) Adequate access to existing houses on Wheathill Lane*
- h) No parking on the new road replacing the current junction of Wheathill Lane and running between the new shop and the village square. Wheathill Lane has to be used by existing village residents, heavy farm vehicles and horse lorries to and from the nearby horse training establishment*
- i) Maintenance contributions to the walking routes, provision and maintenance of the viewing areas*
- j) The provision of the landscaped village square in an acceptable built form with future maintenance contributions*
- k) Water pressure levels in the village are considered to be low. All steps should be taken to ensure any development does not impact adversely and any opportunities taken to improve the current system*
- l) The risk of flooding arising from the proposed surface water system is investigated further and all possible impacts accounted for. Residents comments draw attention to the issues."*

County Highway Authority

States that the expected impacts on the road network arising from this proposal cannot be considered as 'severe', and thus in accordance with the NPPF the Highway Authority does not object to the principle of this development.

They state that a broadly acceptable travel plan has been produced, although a number of issues still

remain. They are satisfied that these can be addressed and recommend that should the LPA determine to approve the application, a condition is imposed to ensure the development of a suitable travel plan.

They note that the details of any parking would be considered in full at the detailed design stage.

They state that the proposed highway works (now redesigned) would not result in any unacceptable impact on highway safety. They state that further work is required to clarify the desire lines of pedestrians and cyclists to ensure that their needs are properly catered for within the final designs. They also raise concerns as to the proposed visibility splays, specifically mentioning the forward visibility for the re-aligned Wheathill Lane is shown below the required standard.

They note that the provision of a 1.5 metre wide footway adjacent to existing dwellings on Station Road, where the existing footway is very narrow. They note that 1.5 is less than the normal minimum width of 1.8 metres, but conclude that as a significant improvement on the existing situation there is no objection to it.

They note concerns raised regarding drainage that should be addressed as the detailed design is progressed.

They conclude that they do not object but recommends conditions to secure:

- 1) Details of the means of access to the site
- 2) Details of the proposed highway works
- 3) Wheel cleaning facilities during the construction phase
- 4) Disposal of surface water to prevent discharge onto the highway
- 5) Details of the estate roads etc.
- 6) Properly consolidated footpath and carriageway to each dwelling before it is occupied.
- 7) The provision of a network of cycleway and footpaths
- 8) An appropriate right of discharge for surface water
- 9) The submission and implementation of a travel plan
- 10) The submission and implementation of a travel plan

On request for further clarity the Highway Authority, provided the following comments:

"I am sorry you feel that there is unacceptable ambiguity in my response for this application. However, it does make it clear that the Highway Authority has no objection to this amended application.

Some issues will need to be clarified as the detailed design progresses, but as you are no doubt aware this is not unusual. This is particularly the case in this instance as the development includes the realignment of an existing public highway through the development site, where the adjacent development layout remains to be confirmed. However, on the basis that access would be acceptable if generally in accordance with the submitted plans the Highway Authority has raised no objection. It is important, however, that the details are right as the design progresses.

I note that you have concerns regarding the form of the first recommended condition, and have requested a copy of the audit report. The Highway Authority often commissions audits to help inform our response to your consultations, and these are sometimes passed to the developer to aid any ongoing design work. However, they do not form part of our formal response to the Local Planning Authority.

I can clarify that in this instance the forward visibility provided for the re-aligned road is not considered sufficient, and will need minor improvement. The land required for this is all within the applicant's development site, and the provision of appropriate visibility would be controlled during detailed design and construction under a suitable legal agreement with the highway authority. Even so, as the land

required could affect and be affected by the layout of the surrounding development, it appeared prudent to recommend that the access road details be reviewed and confirmed when the development layout is finalised, as part of the planning process.

In addition, the Highway Authority has recommended that the applicant develop an Access and Movement Parameter Plan to provide information on the pedestrian and cycle movements on the site. It does appear likely that additional access facilities such as pedestrian crossing points may be required, but this cannot be confirmed until the layout of the site is fully developed and the desire lines identified. Again, it appeared prudent to recommend a condition to ensure this is reviewed.

The first condition aimed to pick up these two issues to ensure they were fully considered in any future application, irrespective of access not being a reserved matter. However, if you consider this inappropriate then it could be replaced with more specific conditions. The wording would be a matter for the Local Planning Authority, but perhaps something along the following lines could be considered:

- There shall be no obstruction to visibility greater than 300 millimetres above the adjoining road level such that forward visibility of at least 25 meters is provided along the re-aligned section of Wheathill Lane in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. Such visibility shall be provided prior to the occupation of any part of the development hereby permitted and shall thereafter be maintained at all times; and
- No work shall commence on the development until the pedestrian and cycle desire lines to and within the proposed development, and measures to cater for these movements, have been identified within an Access and Movement Parameter Plan, to be submitted to and approved in writing by the Local Planning Authority. Any measures identified in the Access and Movement Parameter Plan shall be fully constructed in accordance with an approved plan and specification before any part of the development is first brought into use."

SSDC Planning Policy Officer [numbers updated verbally based on figures released 31st March 2018]

"Policy SS1 of the Local Plan provides a settlement hierarchy based on the role and function of the settlements within the District. In the hierarchy, Milborne Port is categorised as a 'Rural Centre'. A Rural Centres are defined as "market towns with a local service role where provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement". This hierarchy provides a structure for the distribution of development across the District. To avoid the deterioration of the structure, it is important that no settlement exceeds a level of growth commensurate with its 'tier' within the hierarchy. Therefore, it is important that Milborne Port does not accommodate a level of growth akin to 'Local Market Towns' - the tier above.

Policy SS5 provides specific housing delivery targets for each settlement in the hierarchy, with the exception of 'Rural Settlements' which have an accumulative target. Milborne Port has a housing target of 279 dwellings. Local Market Towns have a housing target of 374 dwellings. Whilst it is important to note that these targets are baselines rather than ceilings, they seek to reinforce a level of growth commensurate with the role and function of the settlement and its position within the settlement hierarchy in Policy SS1.

Our most recent monitoring, as at 14th December 2017 [figures below updated to reflect 31st March 2018 data], shows that Milborne Port has delivered 229 dwellings and has permissions for a further 78 dwellings. The settlement therefore has potential to deliver 307 dwellings across the Plan period, 28 dwellings in excess of its target. Should this application be approved, this figure would increase to 372 dwellings, 93 dwellings (or 33.5%), in excess of its target. The total number of dwellings would not exceed the housing target for Local Market Towns. Therefore, it is not considered that the approval of this application would lead to a deterioration of the settlement hierarchy. Nevertheless, at 2 dwellings

below the housing target for Local Market Towns, Milborne Port must be considered to be approaching the upper-limits of growth permissible in accordance with the settlement hierarchy and Policy SS1.

Amongst some smaller applications, I am aware that there is also outline application pending determination for up to 56 dwellings. The approval of both applications would exceed Milborne Port's housing target by up to 148 dwellings or 53%. This would be a significant increase above Milborne Port's housing target, would be in excess of the housing target for the above tier (Local Market Towns), and would result in significant disruption to the settlement hierarchy, contrary to policies SS1 and SS5.

I trust that this consultation response sets out Milborne Port's housing position in relation to the settlement hierarchy, as requested. Please do not hesitate to contact me with any other queries."

SSDC Ecologist

In response to amended plans:

"I've noted the amended plans, including proposed tree removals in the south west of the site. The Tree Retention and Removal Plan includes an annotation that further bat surveys will be required prior to reserved matters application. I agree this is appropriate and should be a requirement by condition. The tree/hedge boundaries of the site are used by bats for commuting and foraging. However, the ecology report regards the south west corner to be of lower significance and I hence have no objections. My response of 8/11/17 otherwise remains relevant."

Original response:

- States that he notes the results and is satisfied with the conclusions of the protected species survey.
- Considers presence of slow worms and badger sett on adjacent land to relatively minor issues for which appropriate avoidance and mitigation can be included in the construction environmental management plan.
- States, in relation to a significant serotine bat roost approximately 500m from the site, he doesn't consider the loss of foraging habitat to be great enough to represent a significant constraint to development. He does consider it would be appropriate to retain the proposed wildlife corridors and the line of trees on the southern boundary for this reason.
- He notes that some mature trees will be affected and recommends the use of a condition in relation to bat roost assessments.
- He confirms his support for inclusion of wildlife mitigation measures in the construction environmental management plan.
- He recommends the use of a condition to secure biodiversity enhancements.

SSDC Strategic Housing

They note that policy requires 35% of the housing to be affordable and indicate that this should be split 80:20 social rent: intermediate product. They set out a proposed property mix. They states that the affordable units should be pepper potted throughout the site and developed to blend in with the proposed housing styles. They recommend that the affordable units are in at least 3 clusters with social rent properties in each cluster. They set out minimum space standards for affordable units. They state that they would expect to see appropriate trigger points in any legal agreement along with a schedule of approved housing association partners for delivery of the affordable units.

SSDC Landscape Architect

Notes that the land was identified as having a moderate-high capacity to accommodate built development in the 2008 peripheral landscape study of Milborne Port. He states that constraints to development are those of the better trees, which should be retained and the heritage interest reflected by the inclusion of the west edge of the field in the revised conservation area. He notes that the indicative

plan proposes the retention of many of the trees, two areas of public open space, and an arrangement that ensures dwellings at the site's east edge do not back onto the adjacent open field, which he considers are positive elements. He suggests the convenience store is removed from the site entrance and replaced by a well-designed housing frontage that responds to the heritage context. He suggests that the housing is pulled further from the southern boundary to avoid perception of over-dominance of the trees upon the housing.

SSDC Tree Officer

"The proposed loss of protected trees alongside the Eastern and Southern road-frontage makes it particularly appropriate to secure a detailed scheme of tree protection measures and a high quality scheme of new plantings.

The submitted arboricultural information still fails to acknowledge the presence of trees adjoining the site, however; the proposal seems rather indicative and a more detailed approach could be secured by condition"

He goes on to recommend a detailed tree and hedgerow protection condition and a detailed tree and shrub planting condition.

SSDC Streetscene Services

Sets out their methodology for calculating the amount of onsite open space required. They assume that the proposal will generate 141 persons and calculate a need for 0.25 hectares of open space. On this basis they go on to provide the following comments:

"INFORMAL OPEN SPACE

The plans shown on the 'Landscape Parameter - Station Road' identify approx. 0.68ha of Public Open Space, an amount in excess of that required for a development of this size.

We are very encouraged by the plans at this outline stage, in particular the village green area in the centre of the site which not only provides an attenuation feature but extends the area to provide a great area accessible by all residents and helps to break up the built form.

The areas at the entrance are great additions too, creating a valuable green entrance to the site and along with the buffer zone and retained trees & hedgerows, helps to incorporate the development with its surroundings and existing dwellings in the area.

Our only request at this stage is to see more detailed plans for the attenuation features as although they will not be included in the calculation of useable open space, if planned correctly they can be a really attractive feature for the site as well as a functioning and necessary asset.

We would also like to know who the developer envisions the maintenance to go to: adoption by SSDC or the town council, or a private management company.

We have no objections to the progression of this development with the current plans, and are encouraged to see such a well-designed site with such consideration for the open space provision.

REVISED ACCESS

Whilst the revised plans show a change to the entrance of the site, the total approx. area of POS is 0.57ha, an amount still far in excess of that required for a development of this size. We therefore have no further comment as the site still has an adequate green entrance and our comments above re the village green and attenuation ponds still stand.

AMENDED DRAWINGS/ADDITIONAL INFORMATION

The amended layout now shows a total area of 0.43ha of POS, an amount still far in excess of that required for a development of this size and we are encouraged by the now proposed on-site market/community area.

Again, we therefore have no further comment as the site still has an adequate green entrance and our comments above re the village green and attenuation ponds still stand."

SDDC Community, Health and Leisure

Requests the following contributions:

- Off Site - contribution towards enhancing the existing play area at Milborne Port Memorial Ground, Springfield Road of £55,172 plus £31,868 commuted sum.
- Off Site - contribution towards enhancing the existing youth facilities at Milborne Port Memorial Ground, Springfield Road of £10,833 plus £4,005 commuted sum.
- Off site contributions towards enhancing the pitch provision at the Memorial Playing Fields at Springfield Road, Milborne Port plus the installation of ball stop netting to the north of the development to the satisfaction of Milborne Port Parish Council of £25,644 plus £15,566 commuted sum.
- Off site contribution towards improved or new football changing facilities at the Memorial Playing Fields at Springfield Road, Milborne Port of £46,877 plus £3,771 commuted sum.

Overall contribution of £195,674 (including 1% Community Health and Leisure Service administration fee) or £3,010 per dwelling.

SDDC Environmental Health

No comments

SCC Education

Following their new pupil yield evidence they estimate that this development would generate 20 primary school places and 4 early years' places. They therefore require a contribution of 24 places at £14,175 per place equalling £340,200 or £5,233.85 per dwelling.

SCC as Lead Local Flood Authority

I write in response to an emails sent by Mr. Tim Carty dated 3rd August 2018 and 7th August 2018 to the Local Planning Authority (LPA) expressing concerns about the above development.

My predecessor Ann-Marie Wood provided an initial response to this application on 8th January 2018. However, her comments were not expressed as an objection, as suggested by Mr. Carty's emails, and instead Ann-Marie requested a detailed condition to be applied to the permission.

I subsequently reviewed the development based on revised plans, responding to the LPA on 18th July 2018, expressing concern over a potentially under-capacity culvert to which I thought the development would discharge. I objected to the development purely on those grounds. However, it was a misunderstanding on my part, and the developer confirmed to me in an email dated 19th July 2018 that they were proposing to lay a new sewer. Therefore, I could withdraw my objection.

I subsequently emailed the LPA on the same date to state that I would draft up a suitable condition to cover any remaining concerns, similar to that suggested by Ann-Marie. However, the condition required amending slightly to take account of the revised NPPF (dated July 2018) and to secure the provision of

a SUDS-led scheme and new sewer provision. The revised condition is provided below.

The LLFA would like to make it clear that we are under no pressure from SSDC to recommend approval for this development. The role of the LLFA is to consider whether a developer has addressed the additional surface water runoff generated from a proposed development, and ensure flood risk elsewhere is not increased. It is clear within NPPF that runoff must be managed back to pre-development rates. In this case, this will be achieved through the provision of onsite attenuation ponds. I have also recommended, in my response dated 18th July, that further SUDS measures be fully explored through the detailed design process and this is secured via the condition.

I hope this will allay the concerns raised."

She recommends the use of a detailed drainage condition.

Avon and Somerset Police Crime Prevention Design Advisor

Confirms no objections to the scheme but suggests careful consideration to the proposed hard surfaced public open space and its relationship with the neighbouring dwellings and convenience store. They suggest this could lead to anti-social behaviour issues especially in the evening and night time. They question whether the area will be fenced/gated and whether the surface will allow vehicles to drive on it. They suggest varying heights around the area to prevent vehicles accessing the site.

Devon and Somerset Fire and Rescue Service

Confirms that they have reviewed the correspondence regarding fire risk and believe that mains into the proposed development would be taken from the existing supply on Wheathill Lane rather than mains on Station Road. As such, they state that any association between the events at Bazzleways Close would be inconsequential to the water supply to the proposed new development.

SCC Archaeology

No objections.

Somerset Wildlife Trust

They agree the findings of the submitted survey and the proposed measures for mitigation and enhancement. In addition they request the provision of at least 2 bat boxes and 6 bird boxes within the site. They also request that all internal fences and other boundaries are constructed to allow the free passage of small animals.

Campaign to Protect Rural England (CPRE)

"1. Sustainable development criteria

There are three dimensions to sustainable development and we contend that the environmental role - contributing to protecting and enhancing our natural, built and historic environment, is not met in this application. Paragraph 9 of the NPPF indicates that sustainable development involves seeking positive improvement in the quality of built natural and historic environment, as well as people's quality of life. As this application is on a greenfield site, on agricultural land and affects the landscape setting, we argue it doesn't meet these criteria.

In a judgement against an appeal by developers in Feniton, East Devon, the Inspector, in making her decision, placed some weight on the permanent loss of agricultural land (e.g. para 113 APP/U1105/A/13/2197001). In judging the increase in likelihood and extent to the harm to the existing community she also indicated that weight is given to this in the overall balance relating to sustainability

(e.g. par 126) Milborne Port, , has similarities Feniton and we argue that the criteria set out in para 9 of the NPPF are not met and that the judgement of the Inspector at the Feniton enquiry should be closely examined when making the decision regarding building on this site.

In addition On 27 March 2015, Minister of State for Housing and Planning, Brandon Lewis MP, wrote a letter to the Chief Executive of the Planning Inspectorate (PINS) to highlight several recent appeal cases in which harm to landscape character has been an important consideration in the appeal being dismissed. The Ministerial guidance emphasises one of the core principles within the NPPF (paragraph 17) that 'plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside.' We contend that harm will be done to the landscape character and this gives grounds for rejection.

2. Traffic

The site, whilst accessed from Station Road, means that traffic from the site, has to come out onto the A30 to start/continue its journey or come from/ continue its journey through the narrow lanes leading to Charlton Horethorne. Volume of traffic is a major problem in Milborne Port and parking is a nightmare. The proposed development can only add to these problems and should be rejected on these grounds also.

3. Employment and travel

According to the South Somerset local plan, 75% of the economically active people within Milborne Port have to commute out of Milborne Port for work. It is unlikely that this proposal will have any serious affect in reducing such commuting. We contend, in fact, that such a development will have an adverse impact on the environment, as it will increase the number of journeys by private car. Again see Feniton for the weight the Inspector placed on such arguments (e.g. para 125) and also the Yetminster Ryme Road Appeal (para 123).

4. Overview

Milborne Port over the past few years has carried more than its fair share of new development and has already met the proposed housing targets set in the current local plan, even though there are another 11 years to run for such development. We would also ask the Policy SS2 is taken into account i.e. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. We understand that there is significant objection locally for this development and Policy SS2 would therefore also indicate that it should be rejected.

Even though SSDC currently has a shortfall in its 5 year land supply recent appeal cases have indicated that notwithstanding this, developments still have to be sustainable and can be rejected on the grounds that adverse impacts significantly and demonstrably outweigh the benefits (e.g. Yetminster Appeal paras 124, 125)). We contend that the development doesn't meet the criteria as laid down in Paragraph 14 of the NPPF .This application is for an unsustainable development and should be rejected.

We also request that application is considered alongside 17/03964/OUT. These applications combined would add a further 121 houses to the village which substantiates our view that the developments are unsustainable and against the strategic policies of SSDC."

Wessex Water

In relation to fire risk concerns:

"All water and sewerage companies must meet minimum standards of service as set out by the Secretary of State and regulated OFWAT. These standards are specific to water supplied for domestic purposes. We are required to provide water at a pressure of ten metres head (1bar), at the external stop tap of a property, at a flow of nine litres per minute. This should be sufficient to fill a one-gallon (4.5

litre) container in 30 seconds.

Pressure varies during the day and seasonally depending on the demand for water placed on the supply system. When demand is high (for example in the morning and early evenings), pressure can be lower than during the rest of the day. Wessex Water continuously manage the network to ensure that service standards are maintained at all times throughout the day.

There are no similar regulatory standards in relation to water used for fire fighting. Water supply may be interrupted at any time for a variety of reasons, there are times when we will need to carry out planned or unplanned maintenance and occasionally the network may be affected by the activities of third parties. For these reasons the continuity and availability of supplies for fire fighting purposes can never be guaranteed. Wessex Water will always make their best endeavour to provide a water supply but have no obligation to provide a minimum flow or pressure for fire fighting.

Developers that seek to achieve a guaranteed requirement from a fire fighting system should always obtain advice from their mechanical services installer regarding the installation of adequate storage and pumping arrangements within the property to meet their needs.

The water network in Milborne Port has sufficient capacity to meet the domestic demand of our customers and we will continue to manage our network to meet our regulatory service standards and our obligation to accommodate planned growth."

In relation to other matters:

States that the proposal is located in a groundwater flood risk area where there is a high risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding. They state that on site private sewers and sanitary appliances must be designed to be resilient to the impacts of sewer flooding due to high groundwater. They state that foul water and surface water must be drained separately from the site. They note there is currently capacity in the public foul network to accept the proposed flows from the development. They state that surface water connection to the public foul sewer will not be permitted. They note the flood risk requirements and the proposal for SuDS measures which will requires the approval of the LLFA. They conclude that on this occasion Wessex water will not object to this application where the points have been addressed and the inclusion of a planning condition in relation to foul drainage and a condition in relation to surface water.

REPRESENTATIONS

Letter of objection were received from the occupiers of 53 properties in Milborne Port. A further letter of objection was received from the occupier of a property in Tunbridge Wells. Also letters of objection were received from a group identifying as Milborne Port Residents' Working Group. Objections were raised in the following key areas:

- Flood risk and drainage
- Highway safety, increased congestion, and insufficient parking
- Loss of/damage to trees and hedgerow including TPO trees
- Adverse impact on ecology/biodiversity
- Ongoing maintenance liability of community facilities
- Development too dense
- Increased fire risk
- Proposed 'enhancements' unnecessary
- Over provision of housing in Milborne Port, above allocation in local plan. Therefore damage to settlement hierarchy.

- Unsustainable location, including lack of public transport and lack of employment opportunities
- Adverse impact on character
- Adverse impact on village views
- Adverse impact from increased noise, disturbance and pollution (including through anti-social behaviour)
- Overshadowing
- Loss of privacy
- Loss of outlook
- Insufficient local infrastructure provision, including: school, medical, water supply, drainage, electricity supply, and broadband speeds
- House types not required (i.e. not starter homes and not retirement homes)
- Adverse impact on conservation area and listed buildings
- Decrease in viability of existing shops
- Proposal on greenfield land. Better brownfield sites exist
- Lack of local support
- Unsustainable development as: no economic benefits, no social benefits, environmental harm
- Inadequate provision for green objectives
- Harm to tourist industry/potential tourist industry
- Lack of affordable houses
- Loss of valuable agricultural land
- Proposed garages too small
- Loss of 'green belt' land
- Loss of valuable greenspace in village

CONSIDERATIONS

Principle of Development

Milborne Port is defined in policy SS1 of the local plan as a Rural Centre, where provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement. Policy SS5 of the local plan makes it clear that a permissive approach will be taken when considering housing proposals adjacent to the development area in Rural Centres. The application site is such a site and, as such, the principle of residential development in this location is considered to comply with local plan policy.

The principle of proposed community facilities (village square and community hub) and convenience shop are also supported by local plan policy EP15. A concern has been raised locally that the proposed shop will decrease the viability of existing shops. However, there are no local plan policies restricting the provision of new services and facilities in village locations. It must be for the market to dictate whether a new shop is required and can be competitive.

Concerns have been raised locally regarding the inherent unsustainability of the location. However, it is noted that the settlement contains a variety of services and facilities and the adopted local plan has clearly found that the settlement is a sustainable location for residential development.

A concern has been raised locally that there is a lack of local need for the proposed housing. However, there is a districtwide (and indeed nationwide) need for housing. A further concern has been raised that the proposal does not bring forwards any local benefits. However, as discussed in more detail below, the proposal bring forwards several benefits for the community of Milborne Port and for South Somerset as a whole.

Scale of Development

As highlighted by the SSDC Planning Policy Officer, it is policy SS1 of the local plan that is of most relevance when considering the scale of development. This policy sets out the proposed settlement hierarchy for the plan period, with Milborne Port occupying the 'Rural Centre' tier of that hierarchy. Policy SS5 sets out the minimum expectation for the number of dwellings to be built in each settlement during the local plan period. In Milborne Port, the minimum requirement is set at 279 dwellings and, taking into account current commitments, it is clear that Milborne Port has already exceeded this by at least 28 dwellings, and should this application be approved that figure would rise to 93 dwellings. However, it must be remembered that the number of houses specified in policy SS5 is a minimum target, and if it is exceeded it is not necessarily a problem. In terms of the impact on the settlement hierarchy, the SSDC Planning Policy officer has made it clear that he does not consider it to be problematic unless the number of dwellings significantly exceeds the expected level of growth for the tier above the application site settlement. In this case, he has stated that *"[t]he total number of dwellings would not exceed the housing target for Local Market Towns. Therefore, it is not considered that the approval of this application would lead to a deterioration of the settlement hierarchy. Nevertheless, at 2 dwellings below the housing target for Local Market Towns, Milborne Port must be considered to be approaching the upper-limits of growth permissible in accordance with the settlement hierarchy and Policy SS1."* As such, and notwithstanding local concerns in this area, it is not considered that the proposed development on its own, or taken cumulatively with other existing commitments, would lead to any harm to the settlement hierarchy set out in the local plan.

There has been considerable concern expressed locally about the level of development proposed and the impact on the provision of local infrastructure. In particular in relation to the primary school, medical facilities, water supply, drainage, electricity supply, and broadband speeds. However, such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare etc.) have been identified in Milborne Port by the providers in relation to the currently proposed development (although concerns have been raised by the local education authority in relation to primary school capacity if any further significant developments were to be approved). As such, even when taking potential cumulative impacts into account, the concerns are not sufficient reason to warrant refusal of the scheme.

Highways

Significant local concern has been raised in regard to the proposed access arrangements and highway implications of the development, including through increased congestion.

The highway authority was consulted in regards to this application and has considered the proposed scheme in detail. They raised some specific concerns (see 'Consultations' section above) with the scheme as currently set out, but are satisfied that these are matters that can be satisfactorily resolved at the reserved matters stage and with the imposition of various conditions on any permission issued. They have indicated that an appropriate travel plan can be achieved through the imposition of a condition, rather than a legal agreement clause. They have noted that the proposed pavement on Station Road would be substandard in width, but are content that this is a significant improvement on the existing situation.

As such, subject to various conditions on any permission issued and notwithstanding the significant local concern in this area, any impact on highway safety is considered to be acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives the NPPF. Some of the conditions suggested by the highway authority are more appropriate at the detailed planning stage, so should not be imposed on any outline permission granted.

Concerns have been raised locally regarding parking provision. However, this is matter that must be considered in detail at the reserved matters stage. Any detailed scheme would be expected to provide

sufficient parking to meet the optimum standards in the Somerset Parking Strategy. Any deviation from this would have to be justified. It should also be noted that it is possible that the proposed highway improvements will result in a traffic regulation order to prevent parking on Station Road, opposite the proposed village square. This would result in the displacement of existing on-street parking. It is considered that additional parking spaces to replace any displaced parking could easily be accommodated on site and an informative should be added to any permission to ensure that the developer is aware that any reserved matters layout would be expected to accommodate displaced parking.

Visual Amenity

The SSDC Landscape Architect was consulted as to the impacts of the scheme on the wider landscape. He raised no objections to the principle of the proposal, noting that in the peripheral landscape study of the area, the site was identified as having moderate-high capacity for accommodating built development. On this basis it considered that there will be no adverse impact on the wider landscape.

A concern has been raised regarding the impact on village views. This presumably, refers to views of the village from the surrounding landscape, including the public viewing point on Wheathill Lane. However, it is considered that the site sits well in the surrounding built form and will not protrude unduly into open countryside. With no objection to the scheme from the SSDC Landscape Architect, it would be difficult to sustain a refusal on this basis.

An objection has been raised as to the loss of valuable greenspace in the village. Whilst greenspace is valued in any village setting, this land is not publicly accessible and as such does not offer any value to the village except in relation to visual amenity and as farmland (discussed elsewhere). However, the area has been judged to have moderate-high capacity to support built development from a landscape perspective, and it is not considered that this particular green area is vital to the overall character of Milborne Port.

The entrance to the site is located close to several grade II listed buildings. The setting of one of these listed buildings (The Old Angel Inn) will clearly be affected by the proposed development. It is considered that the setting of the other listed buildings will not be impacted significantly as they sit sufficiently far from the site, with intervening existing built form. The Old Angel Inn sits directly opposite the SW portion of the site, which currently consists of a high hedge and open farmland beyond. However, it is not considered that this hedge forms an important part of the setting of the primary listed building, as the building is set back from the road and largely experienced in the context of the surrounding buildings. Furthermore the indicative layout indicates that that the area of land on this edge of the site will be occupied as open land (both green and hard surfaced) and by the proposed access into the site. As such, it is not considered that there is likely to be any harm to the setting of the listed building.

No part of the site is located within, or particularly close to, the conservation area of Milborne Port. There is a proposal to extend the conservation area, which would result in part of the site (the southwest corner) being included. However, this extension has not been formally agreed, and as such the proposed extension can be offered no weight at this time, and the scheme cannot be considered to affect the setting of the conservation area.

The tree officer has raised no objections to the scheme, but has suggested that any permission is subject to the imposition of tree protection and planting conditions. As landscaping is a reserved matter, it is considered that tree planting conditions are best imposed at the reserved matters stage. A tree protection condition is considered to be reasonable and necessary. Local concerns have been raised regarding the loss of trees and hedgerows. Whilst these concerns are noted, they are not considered to outweigh the opinion of the SSDC Tree Officer on this specific issue.

A specific concern has been raised that the proposal is too dense and would therefore be at odds with

local character. However, the proposed density of the scheme at 21.6 houses per hectare is very low, even for a rural housing scheme, and is comparable to the average density figure for a greenfield site in 1989. It is lower, for example, than the density of the houses to the south of the site (Wheathill Lane, Wheathill Close, Wheathill Way, some of The Meads, and some of North Street), which, taken as a whole, have a density of approximately 25 dwellings per hectare.

As such, subject to appropriate detail at the reserved matters stage, and notwithstanding local objections in this area, it is considered that the proposed development would preserve the character of the area and the setting of the nearby listed buildings in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Due to the position of the proposed development and the size of the application site, there is no reason to assume that a satisfactory scheme could not be devised that would have no adverse impact on the amenity of adjoining occupiers by way of overshadowing, overlooking, or overbearing.

There would inevitably be some adverse impact on neighbouring occupiers by way of disturbance during the construction phase of the proposed development. However, a construction management plan condition could be imposed on any permission issued to ensure that any such disturbance is kept to a minimum. Such disturbance would also be transitory and, as such, it is not considered that the disturbance would be significant enough to warrant refusal of the scheme.

A concern has been raised locally as to the potential for adverse impact from noise and disturbance through anti-social behaviour, referring specifically to the proposed village square and convenience store. However, there is no reason to assume that the proposed layout is likely to encourage anti-social behaviour as the scheme is not sufficiently detailed at this stage to make such an assessment. It would be more appropriate to assess this as part of a detailed application and to take measures at that stage to ensure the detailed design minimises any risk of anti-social behaviour, as per the advice of Avon and Somerset Police.

Therefore, subject to a construction management plan condition, a satisfactory detailed design at the reserved matters stage, and notwithstanding local concern, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Ecology

The SSDC ecologist was consulted. He considered the scheme in detail and its potential impact on protected species. He concluded that there would be no harm arising, and recommended the use of conditions to secure a bat survey in relation to tree removal and biodiversity enhancements. He also endorsed the inclusion of wildlife mitigation measures in the construction environmental management plan. It is considered that an informative should be added to any permission to that effect. As such, subject to such an informative and conditions, a satisfactory detailed design at the reserved matters stage and notwithstanding local concerns in this area, there will be no significant adverse impact on biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

Flooding and Drainage

Local concern has been raised in regarding to drainage issues and the potential for surface water flooding arising from the proposed development. The LLFA have been consulted as to these impacts and have considered the scheme in detail. They have confirmed that overall they are content that a satisfactory means of drainage can be achieved on site. They have recommend the imposition of a very detailed drainage condition on any permission issued. Wessex Water have also been consulted in

relation to drainage matters and raised no objections to the scheme subject to suitable conditions to control surface water drainage and foul drainage.

Fire Risk

Local concerns have been raised in regard to increased fire risk from the proposed development, as it is argued that the existing water pressure in the area is substandard and insufficient to effectively fight fires. As such, Devon and Somerset Fire and Rescue Service (DSFRS) and Wessex Water were consulted specifically in relation to this impact. Wessex Water indicated that they are fulfilling their statutory obligations in relation to water supply, while DSFRS are content that there is no issue with the proposal.

Contributions and Other Benefits

The development would be CIL liable for £40 per square metres of residential floor space. For example, assuming an average house size of 75 square metres, this would equate to approximately £195,000 based on the currently proposed scheme. 15% of whatever the final figures equates to would be passed directly to Milborne Port Parish Council.

SCC Education has requested a contribution of £340,200 (£5,233.85 per dwelling). This was calculated on the basis that 65 dwellings would be expected to yield 20 primary aged pupils and 4 early years places, with a contribution at £14,175 per place sought.

SSDC Community, Health and Leisure Service have requested a contribution of £195,674 (£3,010 per dwelling) towards the provision of outdoor playing space, sport and recreation facilities. This would be broken down in the following way.

- Off Site - contribution towards enhancing the existing play area at Milborne Port Memorial Ground, Springfield Road of £55,172 plus £31,868 commuted sum.
- Off Site - contribution towards enhancing the existing youth facilities at Milborne Port Memorial Ground, Springfield Road of £10,833 plus £4,005 commuted sum.
- Off site contributions towards enhancing the pitch provision at the Memorial Playing Fields at Springfield Road, Milborne Port plus the installation of ball stop netting to the north of the development to the satisfaction of Milborne Port Parish Council of £25,644 plus £15,566 commuted sum.
- Off site contribution towards improved or new football changing facilities at the Memorial Playing Fields at Springfield Road, Milborne Port of £46,877 plus £3,771 commuted sum.

SSDC Streetscene Services have indicated that 0.25 hectares of public open space should be provided on site. They note that the developer is proposing to provide 0.43ha of open space and are content with the position within the indicative layout.

The SSDC Strategic Housing Officer states that local plan policy requires 35% of the housing to be affordable. They would recommend that this is split 80:20 in favour of social rent over intermediate product. At the policy compliant level, if the scheme was approved, it would equate to 23 affordable houses being provided on site.

The requested contributions have all been agreed to by the developer, and should be secured through a section 106 agreement before any permission is issued. Such contributions, particularly the contribution towards the district wide shortfall in housing affordable housing, must be considered as a benefit of the scheme, which should be afforded at least moderate weight in the planning balance.

In addition to the policy compliant benefits listed above the developer has agreed to provide a hard surfaced area at the front of the site to be used for community events, known hereafter as the 'village

square'. They anticipate that this area will be transferred into the ownership of the parish council, along with a commuted sum towards its ongoing maintenance.

They have also agreed to provide an area of land, again anticipated to be transferred to the parish council, large enough to accommodate a 100 square metre community hub building. The parish council have expressed an interest in acquiring such a building, although they have requested that a building is provided rather than just land. The applicant has stated that they are willing to provide the land only.

A further benefit of the scheme is that it includes off-site highway works in the form of improving an existing substandard junction (by diverting Wheathill Lane through the site) and in widening an existing substandard footway.

Finally, the proposal includes the erection of a convenience store on site. Whilst the ultimate provision of this feature cannot be guaranteed (as it must be for the market to decide whether a convenience store is required and viable), the applicants have agreed to a condition to market the convenience store appropriately and to provide it should an end user be found. They have indicated that they already have interest from at least two possible users.

These additional benefits should also be given moderate weight in the planning balance.

Other Matters

A concern has been raised locally regarding the ongoing maintenance liability of the proposed community facilities. The proposed village square would come with an appropriate commuted sum to cover the ongoing costs of maintenance. The proposed community hub building would need to be built by the community and, assuming that the community accepts the offer of serviced land for this building, the community would need to cover the ongoing maintenance. It must be for the community to determine whether this is acceptable to them. The area of public open space within the site would need to have arrangements in place for their ongoing management, which it is expected would be through a management company.

A concern has been raised locally as to whether the proposed 'enhancements' are necessary. However, it is indisputable that the proposal will bring forwards some benefits, and these should be weighed into the planning balance. The parish council has expressed a desire for some of the more tangible benefits being offered, and others, such as the provision of much needed affordable housing, is a benefit sought by national and local plan policies.

A concern has been raised that the proposed house types are not required (i.e. not starter homes and not retirement homes). However, the house types are not established at this stage. Whether the mix is appropriate to the context is a matter that must be considered as part of detailed application.

An objection has been raised on the grounds that the proposal is on greenfield land, when better brownfield sites exist elsewhere. Whilst it is a target in the local plan to develop previously developed land, this target does not preclude development on greenfield land. A proportion of development in the district will have to come forwards on greenfield land and its use, in itself, cannot constitute a reason to refuse development.

A concern has been raised regarding inadequate provision for green objectives. However the provision is considered to be acceptable at this stage and to accord with local plan policy. Further consideration can be given to this element at the detailed stage, when the orientation of dwellings, provision of solar panels, provision of electric vehicle charging points etc. can be considered.

A concern has been raised that there will be harm to the tourist industry or the potential tourist industry of Milborne Port arising from the proposed development. However, it is not clear what harm is being

referred to or exactly what harm a development of this scale could possibly cause to the tourist industry, or indeed the potential tourist industry.

A neighbour has objected to the lack of affordable houses being proposed. However, the LPA has requested that 35% of the dwellings are affordable as per the local plan policy. The developer has agreed to enter into a legal agreement to secure such provision.

A concern has been raised that the proposed garages are too small. However this is not a matter than can be considered until a detailed application is considered.

An objection has been raised regarding the loss of 'green belt' land. However there is no greenbelt land in the village (or indeed anywhere in South Somerset).

A concern has been raised locally regarding the loss of farmland. The application land is classified as grade 3a agricultural land, so is considered to be the best and most versatile. As such, paragraph 170 of the NPPF is engaged, which requires local authorities to recognise the economic and other benefits of the best and most versatile agricultural land when making decisions. In this case whilst the benefits of the land to the economy and in other ways is recognised, it is not considered that the loss of 3 hectares of this land form the significant stock of such land in South Somerset and around Milborne Port specifically is significant. It must be considered as an adverse impact of the scheme but, given the scale of the loss, it should not be afforded significant weight in the planning balance.

A specific concern has been raised that there is a lack of local support. Whilst local support is of course desirable in any scheme, it is not a prerequisite for planning to be acceptable and to accord with development plan policy. Other than policy SS2 (not applicable in this case) there is no local plan or national policy requiring community support for a development scheme.

Parish Council Comments and Parish Plans

The parish council recommend approval of the scheme, subject to a variety of requests. These are considered in turn below:

- a) They request the provision of a 100 square metre building to be built. The applicant has confirmed that they will provide a serviced site capable of accommodating such a building but will not agree to provide a building. It would be unreasonable to insist on the provision of a building, as there is no policy requirement to provide it. The benefit being offered by the developer must be given due regard as a benefit of the scheme on the basis they have offered it. The parish could choose to use the CIL receipts they would receive from the development to fund (or partially fund) the provision of a building.
- b) They request that the proposed retail building is built before 25% of the houses are occupied. The developer has indicated that they are willing to provide a serviced site for a potential retail operator and will offer this on the market. They are willing to accept a condition requiring them to agree a marketing strategy with the LPA. Again, this approach is considered to be reasonable as discussed above.
- c) They request that the proposed pavement improvement on the opposite side of station road is a two metres wide pavement as they consider the 1.5 metres proposed to be inadequate. The developer has indicated that it is not possible to provide a pavement any wider than 1.5 metres without causing other highway safety issues. On the basis that the highway authority has accepted the 1.5 metre provision in safety terms, and that it offers an improvement on the existing situation, it would not be reasonable to raise an objection to the scheme on this ground.
- d) They have requested satisfactory section 106 contributions. Whilst the contributions sought may not be to the satisfaction of the parish council, what has been sought (detailed above) is policy compliant and is considered to be the maximum that the developer can reasonably be required to provide.

- e) They have requested that the affordable housing to be provided is allocated to local people or people with a local connection first, and then cascaded out to neighbouring parishes. There is no policy requirement for such a clause in any section 106 agreement. However, equally, there is no policy preclusion to such a mechanism and members if approving the scheme, may wish to insist on such a clause.
- f) They request an acceptable density. The absolute density of the site (65 houses in a 3.01Ha site) is 21.6 dwellings per hectare. This is considered to be very loosely grained. The developer has calculated the development to have a density of 32 dwelling per hectare (presumably taking out all of the areas which will not have housing, e.g. public open space, shop site etc.). Either way the density is considered to be low and comparable with surrounding housing. To secure this appropriate density it is considered that a condition should be imposed on any permission issued to ensure that a maximum of 65 units are constructed.
- g) They have requested that there is adequate access to existing houses on Wheathill Lane. As highlighted by the developer, existing access arrangements will be maintained. The junction of Wheathill Lane with Station Road will be improved.
- h) They have requested that there is no parking on the new section of proposed road linking Wheathill Lane and Station Road. Such a regulation must be a matter for Somerset County Council to control in their capacity as Highway Authority. It is not within the scope of control through this application.
- i) They have requested maintenance contribution towards the walking routes and viewing areas. The developer has indicated that a maintenance company will be responsible for these areas.
- j) They have requested that the proposed village square is provided in an acceptable built form with future maintenance contributions. The developer has agreed to this and it is considered that it can be secured through an appropriate clause in any section 106 agreement.
- k) They requests that all steps should be taken to ensure that the development does not impact adversely on water pressure and that any opportunities to improve the system are taken. This must be a matter for Wessex Water, as it is their obligation to provide for appropriate water supply. Wessex Water have not raised a concern with the development in this area.
- l) They request that the risk of flooding arising from the development is investigated further and all possible impacts accounted for. The LLFA have investigated the issues raised locally in detail and are satisfied that an appropriate drainage scheme can be achieved.

Milborne Port has produced an undated village design statement. The proposal is not contrary to any of the design advice contained within this document, although such advice would be useful to the developer when designing a detailed scheme. The community has also produced Parish Plan Summary Report and Action Plan dated July 2010. Again, the proposal is not contrary to any of the advice and aspirations contained within this document.

Conclusions and the Planning Balance

With no five year supply of housing land in South Somerset, footnote 7 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where *"...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."* As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that *"For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development are considerable. The proposal bring forwards several contributions towards education provision, community, sport and leisure provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme. A further benefit consists of the contribution of a supply of affordable housing, of which there is a district wide shortage. Again, this is a benefit that can be afforded at least moderate weight. Further benefits of the scheme include the provision of a hard surfaced village square, along with a commuted sum towards its ongoing maintenance, the provision of serviced land to accommodate a 100 square metre community hub building, off-site highway works in the form of improving an existing substandard junction (by diverting Wheathill Lane through the site) and in widening an existing substandard footway, and the erection of a convenience store on site. These can all be given some weight in the planning balance, although the provision of a shop is uncertain as ultimately it will be dictated by the needs of the market and so the weight given to this benefit should be less. Finally, the proposal would contribute significantly to the shortfall of housing land supply in South Somerset, which is benefit that must be afforded significant weight.

Weighed against the benefits outlined above, the scheme will also cause some harm. Firstly, the proposal will result in the loss of 3 hectares of the best and most versatile agricultural land. As discussed above, this harm cannot be afforded significant weight. A further area of some harm, albeit limited, is the disturbance likely to be caused during the construction phase of the development. Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the SCC Highway Authority, or by any of SSDC's officers consulted.

Given all of the above, it is considered that the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.

RECOMMENDATION

That application reference 17/03985/OUT be approved subject to:-

The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- 1) Secure at least 0.25 hectares of public open space on site to the satisfaction of the SSDC Streetscene Services manager
- 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 80:20 in favour of social rented accommodation over other intermediate types, to the satisfaction of SSDC Strategic Housing. MEMBERS MAY WISH TO CONSIDER THE USE OF A LOCAL CONNECTION FIRST POLICY AS REQUESTED BY THE PARISH COUNCIL.
- 3) Secure a contribution of £3,010 per dwelling towards the provision of outdoor playing space, sport and recreation, to the satisfaction of SSDC Community, Health and Leisure Service
- 4) Secure a contribution of £5,233.85 per dwelling towards primary school and early years places to the satisfaction of Somerset County Council.
- 5) Secure the provision of a village square and its transfer, along with a commuted sum towards its

ongoing maintenance, to the parish council or suitable alternative body to the satisfaction of the SSDC Lead Specialist - Planning.

- 6) Ensure that serviced land, with pedestrian and vehicular access, for a 100 square metre community hub is ceded to the parish council free of any land contamination issues and/or archaeological constraints and without any on-going financial responsibility for any unadoptable road.

Or:

Ensure the developer constructs a 100 square metre community hub building to be let to Milborne Port Parish Council at a peppercorn rent for an agreed minimum term. Such provision subject to Milborne Port Parish Council preparing, within 6 months of the date of the grant of outline planning permission, a business plan that demonstrates the function of the community hub, how it will be operated, financed, and managed.

For the following reason:

01. The principle of development is considered acceptable as the identified harm does not significantly and demonstrably outweigh the benefits of the scheme. The proposed development of the site would respect the character of the area, with no demonstrable harm to the setting of nearby listed buildings, highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, TA5, TA6, HG3, EQ2, EQ3 EQ4, and HW1, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout, and scale of the residential and non-residential development hereby permitted (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development of each phase begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: 13224/1300C dated 18 December 2017 on the council website and the access arrangements shown on drawing A095614-SK10 dated 27 June.

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

04. There shall be no obstruction to visibility greater than 300 millimetres above the adjoining road level such that forward visibility of at least 22 meters is provided along the re-aligned section of Wheathill Lane in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. Such visibility shall be provided prior to the occupation of any part of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

05. No work above damp course level on any dwellings on site shall commence until the pedestrian and cycle desire lines to and within the proposed development, and measures to cater for these movements, have been identified within an Access and Movement Parameter Plan, to be submitted to and approved in writing by the Local Planning Authority. Any measures identified in the Access and Movement Parameter Plan shall be fully constructed in accordance with an approved plan and specification before any part of the development is first brought into use.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

06. No work shall commence on the highway works hereby approved until details of these works have been submitted to and approved by the local planning authority. Such highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification, before the first occupation of any of the development hereby approved.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

07. No work above damp course level on any dwellings on site shall commence until a detailed Travel Plan 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 as capable of implementation prior to occupation. Those parts of the approved travel plan 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: In the interests of highway safety and sustainable development and in accordance with policies SD1 and TA5 of the South Somerset Local Plan.

08. The development hereby permitted shall not commence until 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
 - Measures to avoid traffic congestion impacting upon the road network
 - Details of appropriate wildlife mitigation measures (including reptiles and badgers)

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset local plan.

09. In order to promote and support the provision of the convenience store hereby approved, within three months of the date of this permission, a marketing strategy shall be submitted to the LPA. The agreed marketing strategy be implemented in full and in accordance with the timescales therein.

Reason: In the interests of securing proposed benefits of the scheme and in accordance with the aims and objectives of the NPPF.

10. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) including the provision and maintenance of any temporary drainage provision during construction phase and any other subsequent phases.
- Detailed calculations demonstrating that runoff from the development will not exceed greenfield runoff rates for all events up to and including the 1 in 100 year (+40% climate change). This should include information about the design storm period and intensity, discharge rates and volumes (both pre and post development). We would expect the developer to use FEH methodology and rainfall data.
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties and/or the highway.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts if and where relevant). This should include evidence of a formal agreement with Wessex Water (or other relevant parties) for the requisition of new sewer to include details of land ownership and access, size, capacity and route of the new sewer and point of connection.
- Demonstration of the utilisation of appropriate and effective SUDS techniques for the collection, delay/control, conveyance, storage and treatment of surface water to prevent flooding and in addition to provide wider environmental, pollution prevention and amenity benefits. Construction and implementation details will also be required, including relevant drawings and cross sections.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraphs 163 and 165 of the National Planning Policy Framework (July 2018) and Technical Guidance to the National Planning Policy Framework.

11. The development hereby permitted shall be constructed so as to provide a sealed system of foul water drainage.

Reasons: To prevent groundwater infiltration into the foul sewer network affecting service levels to public sewer systems.

12. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity as recommended in the submitted ecology statement.

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

13. Prior to the removal or works to any trees, a bat roost assessment shall be undertaken by an appropriately qualified person (a licenced bat consultant), and submitted for approval in writing by the local planning authority. The assessment may need to be supplemented by a bat emergence survey undertaken in the period of May to September. Any mitigation or precautionary measures recommended by the consultant and deemed necessary for the avoidance of harm, mitigation or compensation, and necessary for compliance with the relevant wildlife legislation, shall be implemented.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan, the Habitats Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).

14. 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.

15. The development hereby approved shall include no more than 65 units of residential accommodation.

Reason: To ensure the density of the proposed development is appropriate to the context in accordance with policy EQ2 of the South Somerset Local Plan.

Informatives:

01. The applicant is reminded of the need to include wildlife mitigation measures (including reptiles and badgers) in the Construction Environmental Management Plan (CEMP) required by condition 08.
02. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory

financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

03. Notwithstanding the submitted indicative layout, the developer should be aware that the LPA would expect the submission of an analysis of the impact of the proposal on existing parking arrangements in and around the site, including the impact of any likely traffic regulation orders, to be submitted as part of any detailed planning application. It is expected that any detailed layout will accommodate suitable parking provision for any parking (including on-street parking) likely to be displaced from existing dwellings.
 04. The developer should be aware that the LPA would expect any detailed application scheme to include suitable provision for potential future vehicular access into the field immediately to the east of the site in case of future development in this direction. The potential would need to be for future access at full adoptable standard.
-

Agenda Item 6

Officer Report on Planning Application: 18/00688/OUT

Proposal :	Residential development comprising the erection of up to 50 dwelling houses and formation of access.
Site Address:	Land South Of Church Street, Merriott TA16 5QP
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr Paul Maxwell
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	29th May 2018
Applicant :	Lord Cameron & Mr and Mrs Webb
Agent: (no agent if blank)	Greenslade Taylor Hunt, Winchester House, Deane Gate Avenue, TAUNTON TA1 2UH
Application Type :	Major DwlgS 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

The application was considered by the Area West Committee on the 17th October 2018. Members were minded to refuse the application for the following reason:

The proposed scheme by reason of its siting and location, would result in an unsustainable form of development, at an unacceptable scale which would undermine the Local Plan hierarchical strategy, would create a harmful landscape impact and harmful impact on ecology, and have an adverse impact on Merriott First School by taking it over its capacity. The scheme would therefore be contrary to Policies SD1, SS1, SS2, SS6, TA4, HW1, EQ2, and EQ4 of the South Somerset Local Plan and Chapters 2, 15 and 16 of the National Planning Policy Framework.

In accord with the Council's Scheme of Delegation, the final determination will be made by the Regulation Committee. The full copy of the original officer report is attached below.

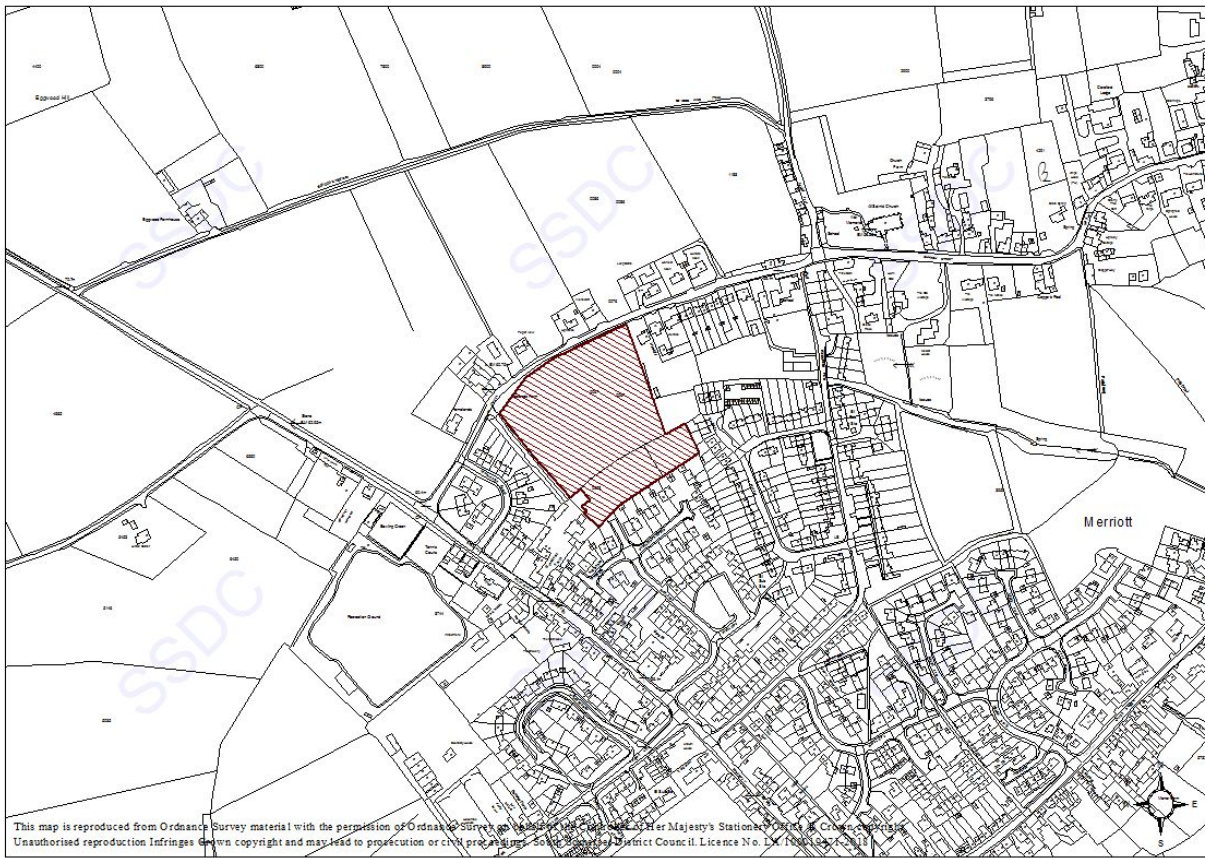
REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Area Committee at the request of the Area West Team Leader, after consultation with the Ward Member and Chair, in the public interest for discussion regarding the level of development proposed in a rural settlement.

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 2 pieces of agricultural land located on the southern side of Church Street, towards the north western side of Merriott. The site totals 2.12 hectares and is bounded by a mix of hedgerows and fencing. The site is surrounded on all sides by residential development along with a farm on the northern side of Church Street. The site is not located within or adjacent to the Conservation Area. The southern corner of the site adjoins the curtilage of listed Broadway Farm.

PROPOSAL

This application as originally submitted sought outline consent for up to 50 dwellings and formation of an access onto Church Street. Permission for all other detailed matters including appearance, layout, scale and landscaping would be sought at reserved matters stage. This is a separate application that is submitted following the grant of outline consent. However, following the submission of Highway Authority comments, the agent has removed access for approval at this outline stage. Accordingly, it is only the principle of erecting 50 dwellings that is now being assessed.

The application has been supported by a Design and Access Statement, a framework Travel Plan, Transport Assessment, Community Engagement Statement, a Flood Risk Assessment and Drainage Strategy, Landscape Statement, Ecological Appraisal, and a Planning Statement.

HISTORY

No relevant recent planning application history.

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

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

EQ2- General Development

EQ3 - Historic Environment

EQ4- Biodiversity

The land was designated in the previous adopted South Somerset Local Plan as a 'No Development Area'. The Village plan also states that this site should not be developed. Land usually allocated in the local plan as such included school playing fields, recreation grounds and other areas of open space within towns and villages. Development would be generally resisted unless a special community,

education or recreation need was identified. However, this policy was not taken forward into the current adopted local plan. Accordingly, each application on formerly designated 'No Development Areas' are to be treated on their own merits. It is understood that this site had been identified some time ago as a possible additional recreation ground. However, this has not come forward and facilities provide elsewhere.

Other Relevant Material Considerations

National Planning Policy Framework (2018)

Chapter 2 - Achieving sustainable Development

Chapter 5 - Delivering a sufficient supply of homes

Chapter 12 - Achieving well designed places

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

Somerset County Council Adopted Highway standards.

Merriott Village Plan

Merriott Housing Needs Survey (2018)

CONSULTATIONS

Merriott Parish Council:

MPC recommends refusal on the following grounds:

1. Merriott is defined as a rural settlement in the current local plan. It is not identified for specific development growth unless certain provisions benefiting the community are made;
 - a) increased employment opportunity;
 - b) improved community facilities and services; and
 - c) supply of identified housing needs.

This proposal does not meet any of these conditions.

2. Street scene

The meadow, hedge and verge form a very important part of the street scene being the only open land visible from the perimeter roads of the village.

Highway Authority: (summary)

No objection raised to either the principle (scale) of this development nor to the principle of the proposed simple priority access onto Church Street. However, insufficient detail has been submitted in regard to the technical details of the access including the width of the access road, footways, pedestrian crossing points and kerblines radii at the access. Visibility splays also need to be shown for pedestrians or cyclists along with the width of the new footway along Church Street. Parking provision is shown at an average of 2 spaces per dwelling. It is not clear if the applicant intends to provide sufficient off street car parking within the development.

Advice is also given in terms of drainage and design of the estate roads. A list of conditions are recommended.

Landscape:

The application site lays to the south side of Church Street (west end) and is currently pasture land, bounded by a native hedgerow to the north, and divided by a further hedge toward the southern extent of the site. Whilst the site has a value as an open field within the curtilage of the village, residential form lays to 3 sides, whilst to the north of Church Street, a dilute mix of farmstead and dwellings with intervening open space, contribute toward providing a clear built context, and a high degree of visual enclosure. Unlike open land within the village to the east, this site has little correspondence to either

the development of the upper and lower areas of the settlement, or the village conservation area.

The proposal indicates a development layout of circa 50 houses, accessed off Church Street, which broadly ties with the rectilinear pattern of both the site, and the general housing layouts around it. A landscape statement (LS) is submitted with the application, which considers the site to have few landscape features of value; to be set within the wider context of the village; and to be visually contained, with most views of the site available only from its immediate surround, with no wider views from the surrounding countryside, other than partial glimpses from Bowood Lane to the north. The LS concludes that with appropriate landscape mitigation measures, and careful choice of materials and housing design, the overall visual impact is assessed to be low. I do not contend that assessment.

On balance, whilst this is a sizeable development for a village settlement, the site is well-integrated with village form, and the landscape effect of development impact, whilst likely to be adverse, will be low. I believe there is some fine-tuning of the layout that can be undertaken, to bring a bit more variation to the scheme, and open space provision needs to be greater, but the prime expression of frontage to Church Street, and a dilution in housing density to the east side, I agree to be appropriate. Consequently I do not consider the weight of landscape impact to be sufficient to oppose this application.

Horticultural Officer: (summary)

0.19 hectares (h/a) of informal open space is sought which exceeds the 0.7 h/a shown on the indicative layout plan. On site provision would be required for 50 + dwellings but an off site contribution sought for 49 dwellings or below.

Conservation Officer:

The farm house to the main road is listed. The farm buildings to the rear which were ancillary to this have been converted and a new house built to the east.

The main significance of the house is in the fabric, but the land to the rear would have had some slight significance in that it related to the house as the farm. Overall I consider the impact of this new build to be negligible and to that end I have no objections.

Ecologist: (summary)

The Ecologist doesn't consider there to be any significant wildlife or biodiversity constraints against the proposed development. There are no badger setts on site although there is evidence of badger activity across both of the fields, possibly to gain access to residential gardens and artificial food sources ie bird feeders or feeding by householders. Conditions are recommended to check for setts prior to commencement of ground works, in regard to reptiles and for biodiversity enhancement.

Somerset Wildlife Trust: (summary)

In general agree with the findings of the Ecological Assessment report, in particular the recommendations for mitigation and enhancement.

Crime Prevention Design Advisor:

No objection but has provided design advice in respect of avoiding blank gable walls abutting public space, a barrier to prevent vehicular access into Granary Barton, and provision of gated alleyways close to the front elevations.

Housing Development Officer: (summary)

Seek 35% (17 houses) as Affordable Housing with a split of 80:20 social rent / intermediate product. A mix of 6 x 1bed, 7 x 2 bed , 3 x 3 bed and 1 x 4 bed parlour house. Internal space standards are provided. The properties should be pepper potted throughout the site and phasing agreed.

Wessex Water: (summary)

No objection raised but provide advice in terms of foul and surface water drainage connection and water

infrastructure.

Local Lead Flood Authority (summary)

No objection raised. The LLFA have sought information from the applicant and these details will be subject to a condition.

County Education:

This application is in the 1st School catchments area of Merriott 1st school, Maiden Beech Academy (Middle school) and Wadham Upper School.

Our new pupil yields show that 50 dwellings in this location will generate 12 1st school children, 8 middle school children and 5 upper school children. The Middle school and upper schools have enough capacity at present to accommodate more pupils, however Merriott 1st school is currently over capacity, and this application will exacerbate the problem. Therefore SCC request education contributions so that the school will be able to adequately accommodate the children from this development.

Current build costs per pupil for 1st schools are £17,074, therefore $x 12 = £204,888.00$. SCC request a total of £204,888.00 in education contributions for 50 dwellings on this site.

REPRESENTATIONS

30 letters/emails have been received raising objections to the scheme. 1 letter has been received not raising a direct objection but made comments in respect of the need for bungalows adjacent to existing bungalows.

A summary of the objections is outlined below:

- Density too high design of properties not in keeping
- No need for additional housing in the village
- Proposal higher than the HEELA figure
- Harm to the character of the village
- Contrary to No Development Area
- Inadequate parking provision
- Parking will occur on an already busy Church Street
- Traffic assessment inadequate and misleading
- Concern regarding surface water drainage
- Low water pressure
- Harmful impact on local road network
- Significant recent development in the village
- Slow sales for new development
- Private road at Granary Barton must not have any access
- Harmful impact on local infrastructure/ local facilities can't cope
- Lack of local facilities
- Impact on listed buildings
- Scale of development too high for the village
- Harmful impact on adjoining properties/ loss of privacy
- Need bungalows
- Inadequate public consultation
- Should develop brown field areas first.
- Harmful impact to wildlife
- Not taken account of the housing need survey
- Bus services have been cut

A letter has also been received from the Campaign for the protection of Rural England (CPRE) raising a strong objection to the proposal. The main points raised are that the spatial distribution strategy of the Local Plan is being constantly undermined with developments in rural settlements, the local plan figure for rural settlements outlined in the Local Plan has been exceeded, (2531 completions/permissions compared with 2,242 in the Local Plan and the lack of a 5 year housing supply does not mean that all development proposal are acceptable.

CONSIDERATIONS

The application, as amended, seeks outline consent with all detailed matters reserved for future approval. Accordingly, it is the principle of residential development that is the main consideration. Detailed matters in regard to the vehicular/pedestrian access, appearance, landscaping, layout, scale and design of the houses would be assessed as part of any subsequent separate reserved matters application, subject to outline approval being granted.

Principle of development

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 1 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. On this basis, and taking account of a number of appeal decisions in other smaller rural settlements within the district with fewer facilities, where Inspectors have accepted residential development, the principle of residential development is considered to be acceptable. The key consideration in this case is 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.

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 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.

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 scale of development 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. 3 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 (ie sites with planning permission but yet to commence). This gives a total of 142. The latter would largely be made up of 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. A footway is also proposed to run across the whole of the site frontage, an issue that had been identified in the Village Plan to help with safety for pedestrians walking along Church Street.

In terms of assessing the scale of growth, the scheme would add to the 142 already consented giving a figure of 192. 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 200 plus 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 192 would sit below the 200 dwellings plus of the other 4 rural centres. Therefore, on balance, it is not considered that the hierarchical strategy of the local plan would be significantly harmed by this proposed development.

The Council are currently in the early stages of reviewing the adopted Local Plan. An Issue and Options document was published for consultation towards the end of 2017. One of the possible options is to provide a new tier within the settlement hierarchy that would give some of the current rural settlements an enhanced role. However, this is at an early stage with the Preferred Options yet to be published. Accordingly, no settlements have been identified yet with an enhanced role, and thus it is not considered to be a material consideration at this stage.

Highways/Parking

The Highway Authority has assessed the highway impacts of this scheme and do not raise an objection to the scale of the proposed development nor to the principle of a priority vehicle access onto Church Street. The scheme originally sought approval for the proposed access but following the request for

additional information from the Highway Authority as outlined above, the agent agreed to remove the access from the outline application. Accordingly, this will, now be assessed at any reserved matters stage.

The indicative layout submitted with the application shows provision for an average of 2 parking spaces per dwelling. This would be below the adopted parking standards and the Highway Authority have raised a concern that insufficient parking may lead to on street parking with potential road safety hazards. Details of the layout, including parking arrangements however, are not due for consideration at this stage, rather to be assessed with any subsequent reserved matters application.

Ecology

The application was supported by an ecological appraisal which has been assessed by the Council's Ecologist. As outlined above, the Ecologist doesn't consider there to be any significant wildlife or biodiversity constraints against the proposed development. Conditions are recommended to check for setts prior to commencement of ground works, in regard to reptiles and for biodiversity enhancement.

Flooding/Drainage

Concern has been raised by local residents about flooding and drainage of the site. Whilst it not disputed that there may be local drainage/flooding issues, this scheme is not expected to resolve current issues but to ensure that an appropriate drainage system is installed and that it does not create additional flooding elsewhere. A Flood Risk and drainage Strategy report has been submitted. The site is wholly located in Flood Zone 1 which means that the site is at low risk from sea or river flooding. As mentioned by local residents, the Flood Risk Assessment report does mention record of flooding in the surrounding area although there are no details about the extent or magnitude of these events. However, this site has to ensure that it provides appropriate drainage and does not create flooding problems outside of the site.

The Flood Risk Assessment and Drainage report concludes that the ground conditions provide relatively low permeability and is not suitable for the adoption of soakaway drainage. Off site discharge combined with on-site attenuation is concluded as the most suitable drainage solution at the site. The preferable solution would to discharge into the sewer or suitable outfall. An underground storage tank that would control discharge at an agreed rate during storm periods is suggested to ensure discharge is not increased from the present situation. The Local Lead Flood Authority have requested various details and these will be conditioned.

Residential amenity

Concern has been raised that the scale and design of some of the proposed dwellings would result in overlooking and loss of privacy, particularly in regard to the occupiers of the bungalows in Sherlands Gardens. The impact of a new development on the amenity of all adjacent occupiers is a very important consideration. In this case, the details of the scheme including layout and design of the dwellings have not been sought for approval at this stage. The assessment of the relationship between new and existing dwellings would be undertaken at reserved matters stage.

Landscape

The application has been supported by a Landscape Statement which has been assessed by the Landscape Officer. As can be noted by his assessment outlined above in this report, he does not disagree with the findings that with appropriate landscape mitigation measures, and careful choice of materials and housing design, the overall visual impact is assessed to be low. Whilst the site has a value as an open field within the curtilage of the village, residential properties fully surround the site on 3 sides, with a farm and a less dense form of residential development on the northern side of Church Street. The site has few landscape features of value and is visually contained, with most views of the site available only from its immediate surround, with no wider views from the surrounding countryside, other than partial glimpses from Bowood Lane to the north. For these reasons, it is not considered the weight of landscape impact to be significant to warrant refusal.

Heritage

The site is not located within nor does it adjoin the Conservation Area. Due to the distance from the Conservation Area, it is not considered that the proposed development would have any adverse impact on the setting of the Conservation Area. The Conservation Officer does not raise an objection in this regard. In respect of listed buildings, the closest listed property is Broadway Farmhouse which is located to the south west of the site. As stated by the Conservation officer, the farm buildings to the rear which were ancillary to the main house have been converted and a new house built to the east. The main significance of the house is in the fabric, but the land to the rear would have had some slight significance in that it related to the house as the farm. Overall, the Conservation Officer considers the impact of this new build to be negligible and has no objections. Careful consideration will be given to the layout of the scheme in the south western corner to ensure that it respects the setting of the listed building.

Other matters

Comments have been received that brownfield sites should be used first before greenfield sites. The former nursery site (Scotts Nurseries) has been mentioned. Whilst the Council would support the principle of reusing brownfield sites, no application has been submitted by the landowners for development of this site. The Council can only assess the merits of those applications that have been submitted.

Both the supporting documents and a local resident have made reference 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. However, 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.

Comment has been received that no access should be permitted from the site into Granary Barton Close, a private drive which runs along the western boundary of the site. It is not known whether there are any current access rights for the application site landowner to use this private drive to access the site. Notwithstanding that position, a condition will be imposed on any consent to ensure that no vehicular access can be gained from the

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 of £204,888.00 towards education provision;
- 4) Submission of a Travel Plan; and
- 5) Provision and maintenance of open space;

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.

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, and would not harm ecological interests nor heritage assets. 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. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, scale, vehicular and pedestrian access arrangements, drainage and landscaping.

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

05. 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.

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

Drawing numbers: 2526-PL-01 (Location Plan).

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

07. 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;
 - measures to prevent dust, mud or other debris from being deposited on the public highway;

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.

08. 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 19th 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.

09. 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.

10. 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.

11. 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 promoting sustainable travel and highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. 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.

13. 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.

14. No part of the development hereby permitted shall be occupied or brought into use until the construction of suitable vehicular and pedestrian access to the development has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first occupation, unless otherwise agreed 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.

15. No part of the development hereby permitted shall be occupied or brought into use until the construction of a footway on the southern side of Church Street from the existing footway to the east of the site boundary with Church Street, across the site frontage with Church Street and onwards on the south side of Church Street to the junction of Church Street with Newchester Cross has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority. This scheme shall be fully implemented prior to first occupation with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

16. Prior to (and within 2 months of) commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if they are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and necessary Natural England license have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and the Protection of badgers Act 1992.

17. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine the presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms has been

submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan/ method statement, unless otherwise approved in writing by the Local Planning Authority.

Reason: To accord with Policy EQ4 of the South Somerset Local Plan and compliance with the Wildlife and Countryside Act 1981.

Agenda Item 7

Officer Report On Planning Application: 18/00650/OUT

Proposal :	Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application).
Site Address:	Knights Templar Court Nursing Home, Throop Road, Templecombe
Parish:	Abbas/Templecombe
BLACKMOOR VALE Ward (SSDC Members)	Cllr William Wallace Cllr Hayward Burt
Recommending Case Officer:	Jeremy Guise Tel: 01935 462645 Email: jeremy.guise@southsomerset.gov.uk
Target date :	18th June 2018
Applicant :	Lawsh One Ltd
Agent: (no agent if blank)	Mr Chris Miell, Pure Town Planning, Suite 7 Pine Court, 36 Gervis Road, Bournemouth BH1 3DH
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL

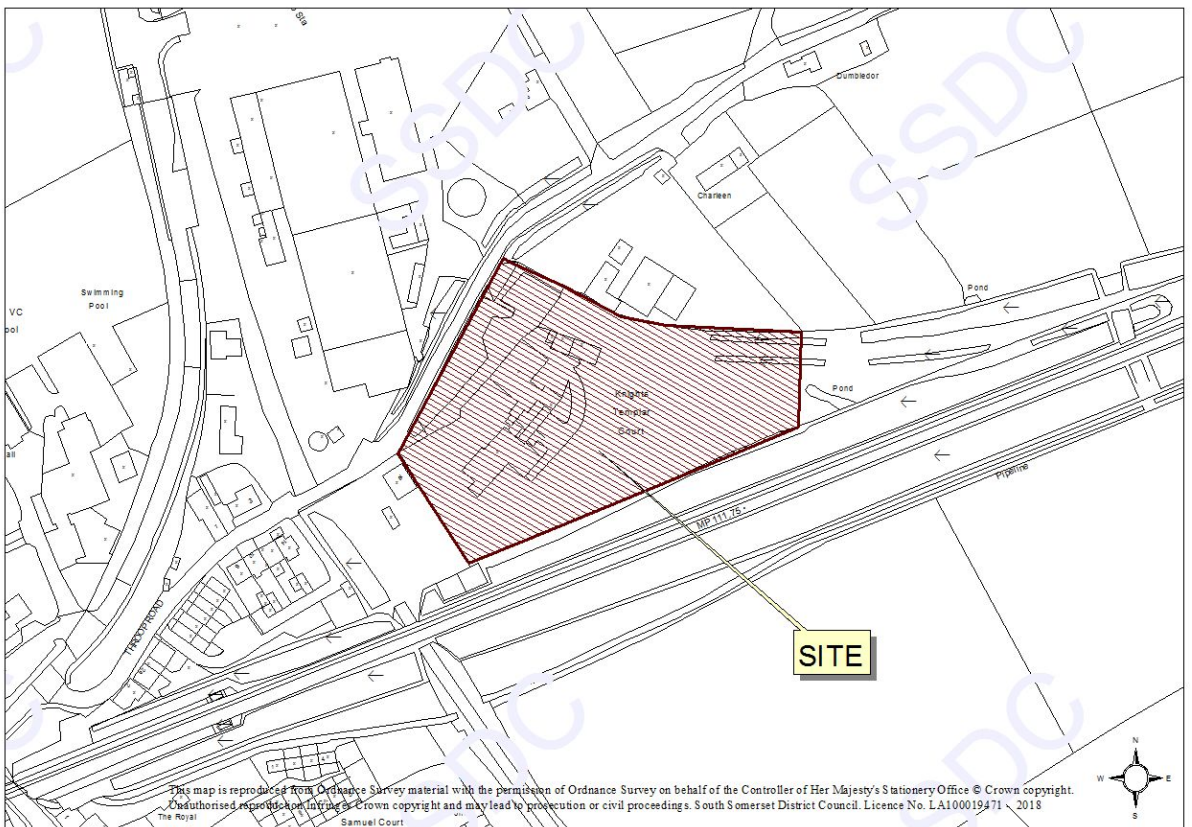
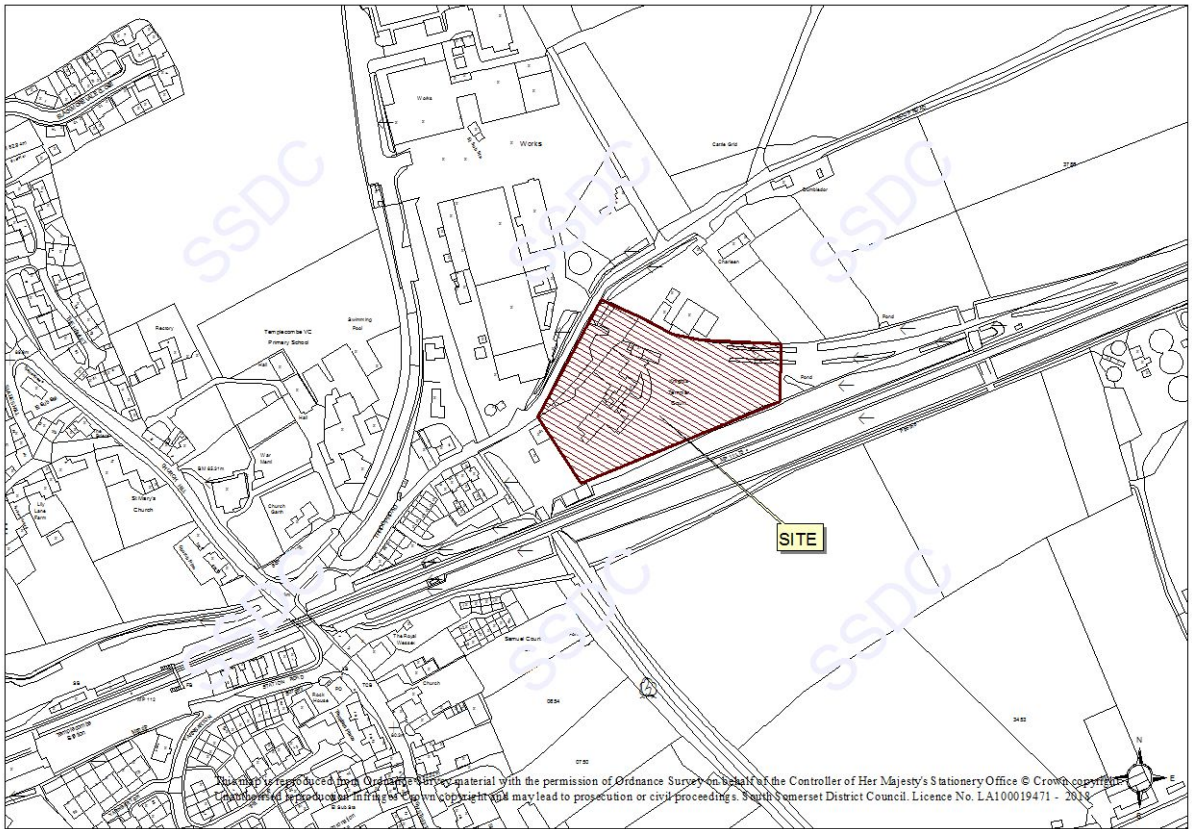
The Area East Committee considered this application on 11th July 2018 and resolved to refuse the application for the following reason:

- (1) The proposal fails to address the requirements of the Templecombe settlement and would add to pressures on local services. As such it is contrary to policy SS2 of the adopted South Somerset Local Plan.
- (2) The proposal fails to provide pedestrian and cycle access and would compromise the safety of the local road network. As such it is contrary to policy TA5 (ii) and (iii) of the adopted South Somerset Local Plan including, should the scheme eventually be approved, strengthened conditions on water capacity; sewage management and anti - flooding.

The application was subsequently referred to the Regulation Committee on 21st August 2018 where it was deferred pending the resolution of outstanding ecology matters. These ecology issues have since been addressed, as such the application has now been brought back to the Regulation Committee for determination.

AREA EAST COMMITTEE REPORT

SITE DESCRIPTION AND PROPOSAL



The application site is a roughly triangular shaped piece of land, accessed from the west off Throop Road. It is approximately 0.93ha in size, located in a 'bowl' of lower land to the north of the London Waterloo to Exeter railway line and on the eastern fringes of Templecombe.

The site has been vacant since June 2017, but was previously occupied by the Knights Templar Court Nursing Home and its' landscaped grounds (Use class category C2). The nursing home premises comprise: a late eighteenth / early nineteenth century stone built house in the centre north of the site and a series of linked modern extensions located mainly in the south east. There's a brick built outbuilding dating from the late nineteenth century located immediately to the rear of the stone house, otherwise the landscaped grounds are interspersed with a number of small ornamental and garden trees. These are concentrated along the railway embankment that rises to the south and, in the form of a line of tall, dense firs adjacent to Throop Road that screen the industrial buildings to the north.

The surrounding area is mixed in character. There is residential property to the west, including No.18 the neighbour immediately to the west, whose garden abuts the western boundary and has windows that outlook onto the site. To the northwest, screened by the firs, is the Thales factory complex whilst to the north east the track bed of former railway line defines the site.

Outline planning permission is sought for the demolition of existing buildings and the erection of 19 dwellings. The application is submitted in outline at this stage with the principle and access to be considered at this stage leaving appearance, landscaping layout and scale to be considered at the reserved matters stage, should planning permission be granted.

An illustrative plan showing two small terraces in the centre and pairs of detached and semi-detached in the north of the site accompanies the application.

The application is accompanied with a suite of supporting documents; planning statement prepared by Pure Planning; a Transport Statement Prepared by JPC Highway Consultants; an Extended Phase 1 Habitat Survey and Bat Compensation / Enhancement Measures and Site Enhancement (both prepared by Abbas Ecology). The planning statement concludes and summarises the case as follows:-

“The application seeks outline planning permission with some matters reserved for the erection of up to 19 dwellings with associated access and parking in Knights Templar Court, Troop Road, Templecombe.

The LPA do not have a 5 year housing supply and therefore the presumption in favour of sustainable development has been triggered and existing policies relating to the supply of housing are out-of-date.

The site is located within a rural settlement, which is considered an appropriate location for additional residential development

The proposal would deliver economic, social and environmental benefits through the reuse of previously developed land and provision of on-site affordable housing and therefore is considered to represent sustainable development.

The indicative plans show that a proposed could be delivered which would integrate satisfactorily with the character and appearance of the area, whilst protecting against harm to the amenities of neighbouring properties and highway safety .

The applicant therefore considers there are no adverse impacts to the scheme and certainly none which would significantly and demonstrably outweigh the benefits of the proposal.”

The existing stone house is attractive and makes a positive contribution to the character of the area. It can be considered as an undesignated heritage asset. During the course of the application the applicant

was asked to consider whether it can be retained and incorporated as a feature into the proposal. The applicant's agent has declined to retain the building for the following reasons:

- *The existing property suffers from damp and repair work would be very expensive.*
- *The existing property has uneven floor levels and low head height throughout the building therefore would be likely inappropriate for occupation by disabled and elderly occupiers.*
- *The existing property has been heavily internally and lacks heritage value.*
- *The modern external alterations also detract from the site's heritage value. In our view, if the building had significant heritage value and was in good order, given its age, it would have been statutory listed by Historic England.*
- *If the building was retained, the garden areas for the converted units would be north facing, this is something we've tried to minimise with our layout. I note that the climate change mitigation officer sought to minimise north facing gardens within her consultation response.*
- *The converted units would be cramped and provide a poor standard of living for occupants and the development would unlikely to meet the Government's minimum space standards.*
- *The conversion of the building would significantly increase development costs, which may impact on the scheme's viability and the provision of much needed new-build affordable housing.*

HISTORY

06/02840/OUT: Erection of 20 bed extension to care home conditional planning permission granted 20/10/2006 (Not built).

02/00826/FUL: The demolition of outhouse and erection of two storey extension conditional planning permission granted 29/04/2002.

01/02501/OUT: The erection of a two storey 20 bedroom nursing home (renewal) conditional planning permission granted 9/11/2001.

98/00728/OUT: The erection of a two storey 20 bedroom nursing home (renewal) conditional planning permission granted 16/10/1998.

94/02199/OUT: The erection of a two storey 20 bedroom nursing home (outline renewal) conditional planning permission granted 31/03/1995.

90/02519/OUT: Erection of two storey 20 bedroom nursing home conditional planning permission granted 02/05/1991.

90/02518/FUL: The erection of a single storey extension to elderly persons' rest home /nursing home conditional planning permission granted 09/05/1990.

POLICY

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

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

The policies of most relevance to the proposal are:

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

SD1 - Sustainable Development
SS2 - Development in Rural Settlements
SS4 – District Wide Housing Provision
SS5 – Delivering New Housing Growth
SS6 – Infrastructure Delivery
SS7 - Previously Developed Land
HG2 – The Use of Previously Developed Land (PDL) for New Housing Development
HG3 – Provision of Affordable Housing
HG5 – Achieving a Mix of Market Housing
HG6 - Care houses and specialist accommodation
TA1 – Low Carbon Travel
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 - Heritage
EQ4 – Biodiversity
EQ7 – Pollution Control

National Planning Policy Framework

Part 2 – Achieving sustainable development
Part 5 – Delivering a sufficient supply of homes
Part 6 – Building a strong, competitive economy
Part 8 – Promoting healthy and safe communities
Part 9 – Promoting sustainable transport
Part 11 – Making effective use of land
Part 12 – Achieving well-designed places
Part 14 – Meeting the challenge of climate change, flooding and coastal change
Part 15 – Conserving and enhancing the natural environment
Part 16 – Conserving and enhancing the historic environment

Other Material Considerations

Somerset County Council Parking Strategy

CONSULTATIONS

Abbas /Templecombe Parish Council - Members discussed the applications and made the following observations:

- There seemed to be some inconsistencies with regard to mains sewer or septic tank. The application refers to main sewer but previous applications on the property refer to septic tank. It is believed that the sewage is pumped from the site to the main sewer. It is acknowledged that pumping stations are now owned and managed by Wessex Water.
- It was felt that the loss of the property as a care home is detrimental in view of an aging population and a shortage of care homes.
- Density of dwellings. Expansion is welcomed but not to this density and It is noted there are only three affordable dwellings included in the application.

- Access to site is restricted currently by parked vehicles and there is no inclusion of a footpath from the site.
- No prior public consultation.
- It is noted that Doctor's Surgery and School is now full and there is no pub. It is questioned whether the infrastructure could cope. Under the Local Plan Templecombe are committed to 108 properties, taking into account the Slades Hill development and current development in the Village of 25 properties that leaves a total of 8 outstanding
- It is felt there is natural growth in the Village, is there a market for a further increase in the capacity of properties?

The following response is submitted:-

The Members have reservations on the number of properties. The Parish Council are concerned with both the density of the dwellings within the site, the fact that only three affordable dwellings would be generated as a result of the inclusion of former dwellings on the site in the overall calculation and also the limited space for additional visiting traffic to the site in addition to any residents cars. The number of properties would have an impact on the Village infrastructure and it is felt access to and from the site is not adequate. The Parish Council are concerned that the development would need to be accessed down a narrow lane with poor visibility and a small bridge and further restricted by existing on road parking and where there is no footpath linking the proposed site to the rest of the Village in order to encourage anything other than private vehicle access. It is also considered that the sewage system may not be sufficient for an application of this extent. It is considered that the application is currently in an inappropriate form.

County Highway Authority: The applicant should be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This will include any private roads/drives that serve more than 2 dwellings.

The planning application is for 19 dwellings on a site with the existing use of a nursing home. According to TRICS, the average dwelling generates 6-8 vehicle movements per day, which would represent approximately 152 vehicle movements per day. This likely will represent an increase in the level of vehicle movements.

Throop Road, has a 20mph speed limit in place and from my onsite observations, it was apparent that vehicle speeds were consistent with this. It must be remembered that although narrow along this stretch, there is an existing class use that would generate its own level of vehicle movements.

The access to the site is already in place and it must be noted that although the access onto Throop Road from the proposal is not ideal due to the restricted visibility to the North East, Throop Road is a not through road serving existing dwellings and farms and it is likely that there will not a significant level of vehicle movements from this direction. Again, it must be remembered that the site has an existing use that would generate vehicle movements already.

The applicant has provided an indicative layout of the internal layout and in its current form, the internal roads are not to an adoptable standard. Should that applicant wish for the internal roads to be adopted then before any future submission the applicant should consult with 'Estate Roads in Somerset - Design & Guidance Notes' to establish these requirements. As already mentioned, the applicant should be made aware that it is likely that APC will apply.

The parking levels will be dealt with at the Reserved Matters Stage of this planning application however, these would need to be in line with the Somerset Parking Strategy (SPS). Templecombe is in Zone B of the SPS and for a 1 bedroomed dwelling 1.5 spaces would need to be provided, for a 2 bedroomed

dwelling, 2 spaces provided, for a 3 bedroomed dwelling 2.5 spaces provided and for a 4 bedroomed dwelling 3 spaces provided. The SPS also sets out the appropriate level of bicycle parking that must be provided where there should be sufficient space for one bicycle per bedroom. Electric Vehicle Charging points must also be considered as well as any garage dimensions which for a single garage are 3x6 metres and for a double garage 6x6 metres.

The applicant should note that it is an offence for water or detritus to be discharged onto the highway under the Highways Act (1980) and water must not be allowed to be discharged under any circumstance. The applicant must not also assume that connections to any existing highway drains and gullies can be made. Should the applicant wish to use soakaways, then these must be located more than 5.0m from any existing or proposed highway.

Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application, subject to an appropriate Travel Plan being secured within the S106 legal agreement.

SSDC Highways Consultant: On the basis that the site is located in the town centre within easy / comfortable access to nearby public car parks, no highways objections is raised.

SSDC Strategic Housing: Policy requires 35% affordable housing; the new Strategic Housing Market Assessment (SHMA) published in October 2016, indicates a split of 80:20 social rent: intermediate product. Taking into account the vacant building floor space already detailed in the planning application, I concur with the calculations detailed which equates to 3.35 units. We will count this as 3 units which we would expect to be provided for social rent and the remaining 0.35 of a dwelling to be provided as a commuted sum.

I would like to propose the following property mix:

2 x 1 bed house/flat/bungalow	(2 person)
1 x 2 bedroom house or bungalow	(4 person)

I would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses.

These affordable dwellings will form an integral and inclusive part of the layout.

I have detailed below our prevailing minimum internal space standards which should also be adhered to:

1 bedroom flat	2 Person	47 sqm	
2 bedroom flat	4 Person	66 sqm	
2 bedroom house	4 Person	76 sqm	(86 sqm if 3 storey)
3 bedroom house	6 Person	86 sqm	(94 sqm if 3 storey)
4 bedroom house	8 Person	106 sqm	(114 sqm if 3 storey)
4 bedroom parlour house	8 Person	126 sqm	(134 sqm if 3 storey)

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units: Liverty Housing; Magna Housing; Stonewater Housing and Yarlinton Housing Group.

SSDC Environmental Health: Have no comments in respect of this application.

SCC Archaeology: As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

REPRESENTATIONS

A petition style letter of has been received from six neighbouring properties in Throop Road and a letter. The letter does not raise objection in principle to residential re-development of the site raises objections / concerns about the proposal on the following grounds:

- Throop Road is single lane, unsuitable for more traffic.
- Two parking spaces per dwelling is insufficient provision. Visitor / delivery vehicle parking not considered.
- Will add to pressure on junction Throop Road with A357 from Thales and the primary school.
- Concern about the effect upon limited services in Templecombe - school shops public house
- Could be problems connecting to a sewer.
- This site would be a great loss to our community as it is and has been the only old folks/nursing home in the immediate vicinity.
- The surrounding roads, Throop Road and School Lane and the main A357 are a hive of activity being used extensively by the local school, church and Thales factory. Hundreds of cars and lorries each day. A development of houses in the planned site would add a great strain on this area especially as we have no pavements in Throop Road which is very narrow.
- I understand that another proposed development on the entrance to our village for 70 houses has been ongoing for several years therefore further development of this nature cannot be required when no houses have been built i.e. no demand.
- I have lived in Templecombe for 18 years and to my knowledge around 100 houses have been built on brownfield or additional sites during this time. I feel we are at a maximum considering the lack of amenities. We have a railway Station which is great but only one shop/post office. The doctors' surgery is full as is the school.

CONSIDERATIONS

Principle of Development

Planning Consideration

Given the increasing need for care homes and other specialist accommodation in South Somerset during the plan period 2008-2028 (SHMA quoted para. 10.41 of the Local Plan) concerns about the loss of this care home use are evidenced and understandable. Nevertheless there is no policy to underpin and require their retention. Policy HG6: Care houses and specialist accommodation focuses entirely on proposals for new care homes and is silent on the issue of retention of existing homes. In such circumstances there isn't a policy framework to require the retention of the existing nursing home. Residential, redevelopment is an acceptable alternative.

The proposal is for 19 dwellings on a site of 0.93ha. This provides for a density of 20.4 dwellings per hectare. A density of 20 units per hectare is well within acceptable perimeters for a site located in a large village with reasonably good services and public transport connections, train station, bus route etc.

As previously developed land, also known as 'brownfield' Policy SS7 - Previously Developed Land is a relevant consideration. It states:

The Council will encourage early development of previously developed land. A minimum target of 40% of new development should be on previously developed land and a 5-year land supply shall apply.

South Somerset District Council (SSDC) Local Plan seeks to concentrate the bulk of new development in existing settlements in order to take advantage of employment and service opportunities available in these places, minimise the infrastructure investment required across the district and increase the level of self-containment.

Policy SS1, Settlement Strategy, establishes a settlement hierarchy with Yeovil, as the most populous settlement in the district at the top down to named small towns and larger villages. The final paragraph of policy SS1 states *“Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2).”*

Policy SS2: Development in Rural Settlements states:

“Development in Rural Settlements (not market towns or Rural Centres) will be strictly controlled and limited to that which:

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

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

Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed in Paragraph 5.41.

Para 5.41 states:-

It is important to ensure that the occupiers of new homes in Rural Settlements are able to live as sustainably as possible by having easy access to basic facilities that provide for their day needs. Therefore, new housing development should be located in those Rural Settlements that offer a range (i.e. two, or more) of the following services, or that provide these within a cluster of settlements:-

*Local convenience shop;
Post office
Pub;
Children's play area sports pitch;
Village hall/ community centre;
Faith facility; and
Primary school*

Templecombe is a large village which provides a good range of services, but is not a rural centre named in Policy SS1. It therefore satisfies the technical requirements of paragraph 5.41.

However, SSDC cannot currently demonstrate a 5 year land supply and policies SS1 and SS2 cannot be considered up to date and awarded full weight in considerations. Where this occurs paragraph 11 of the National Planning Policy Framework (NPPF) comes into consideration, the relevant part states:-

Plans and decisions should apply a presumption in favour of sustainable development.

“For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

NPPF Para 117 *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-development or ‘brownfield’ land”*. This aim is reflected in LP Policy HG2 which seeks to provide a minimum of 40% of new dwellings on previously development land over the plan period.

The indicative layout submitted with the application adequately demonstrates that the amount of development applied for can be accommodated on the site. The layout has a number of weaknesses in terms of use of garage courts, relationship to the neighbouring house and efficiency of the road arrangements, but there is scope within the available space to resolve these issues at the reserved matters stage.

Policy HG3, Provision of affordable housing, sets a housing target of 35% affordable housing units for developments of over 6 dwellings or 0.2ha in rural settlements.

The Parish Council's disappointment that only 3 (16%) of the proposed 19 dwellings are proposed as affordable units is understood and shared. However, the 'Vacant Building Credit', cited by the applicant's agent as justification for this, is a material planning consideration, brought in by the government to promote the re-development of vacant brownfield sites. A Section 106 legal agreement to secure the provision of three affordable units and a financial contribution of 1.5% (16%+1.5%=17.5% affordable housing which represents 35% affordable housing divided by 2 - the Vacant Buildings Credit).

At this outline application stage the mix of house types and sizes is unknown. The Council wishes to see a mix of market house types and sizes that reflect its Policy HG5 objectives. Policy HG5, Achieving a mix of market housing states *“A range of market housing types and sizes should be provided across the district on large sites that can reasonably meet the market housing needs of the residents of South Somerset. The mix should contribute to the provision of sustainable and balanced communities”*. Paragraph 10.36 of the supporting text makes clear that the requirement is that three quarters of the units in a development should be 2 and 3 bedroom sized units. A condition to ensure that the dwelling mix reflects these requirements is considered appropriate at this outline application stage.

Visual Amenity

The site is currently occupied by buildings associated with the former residential care home use: the original house, dating from the late 18th early 19th Century, and modern extensions. There is also a brick outbuilding situated on the north eastern side of the site which appears to have been used for storage.

The modern extensions and outbuilding are of little architectural merit, but the original house is visually quite pleasant and could be considered an undesignated heritage asset. Stripped of its modern additions / alterations it has some merit and could become a centrepiece linking the proposed residential development to its past. This has been suggested to the applicant's agent, and considered. The response is that many of the internal fittings have been removed and the building is in a poor state of repair. The applicant does not want to retain it. As an undesignated heritage asset it can't be retained, short of nomination for listing. The building is not considered to be of sufficient merit to justify nomination for listing, it is therefore accepted that it can be demolished.

The site sits in a 'bowl' of lower land and is inconspicuous from the wider area. The Exeter to Salisbury rail line railway embankment cuts off all views to the south. There will be glimpses of the site through the embankment trees from passing trains. Troop Road continues beyond the site entrance on higher land to the north. Currently views into the site from this direction are screened by a line of thick fir trees. But even if these were subsequently to be removed, the wider landscape means that there is scope for a quality design to come forward without many constraints.

The illustrative plan that accompanies the application is considered to have several weaknesses. The layout could be improved resulting in larger gardens and less road space; parking could be better related to existing property and the relationship with the closest neighbour could be better. But it is only illustrative, intended to demonstrate that the quantum of development sought can be accommodated on the site. Further details, including layout, design and appearance, would need to be submitted, considered and approved at reserved matters stage should this outline proposal be permitted. In that respect, the illustrative plan is considered to be fit for purpose. It adequately demonstrated that the amount of development can be accommodated on the site and provides a framework for a more detailed design at reserved matters stage.

The usual suite of conditions attached to an outline permission requiring submission and approval is recommended. On this basis the impact on visual amenity is considered to be acceptable in accordance with the policies of the South Somerset Local Plan.

Residential Amenity

There is just one residential property in the immediate vicinity of the site, No. 18 Throop Road. It has windows facing towards the site and the whole of its eastern rear garden boundary. Currently the windows look out onto the tranquil grounds of the former nursing home and the garden abuts the landscaped grounds. Whilst the planning system does not normally protect private views, the aspect of these windows and the quiet character of the rear garden could be compromised by a layout that resulted in building mass close to the boundary or introduced traffic and noise into the area immediately adjacent to the rear garden. However, the proposal is for a relatively low density residential development and there is scope to design a scheme that addresses these issues. Consequently it is not considered that the proposal would have any significant impact on the residential amenity of any adjoining occupiers in accordance with policy EQ2 of the South Somerset Local Plan.

Highways

The highway authority is satisfied that Throop Lane is capable of coping with the increase in traffic associated with the proposed development and that there is scope within the site to accommodate parking to the appropriate standard for zone B (amber) accessibility area (1.5, 2, 2.5 and 3 spaces - depending on house size in relation to bedrooms). There is also scope to incorporate the low carbon travel provisions - bicycle storage and electric charge points). In terms of sustainability Templecombe is a large village with a train station and regular bus service. As such, it is considered that there will be no adverse impact on highway safety and the proposal is in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Ecology

As part of the initial submission the application was supported by an Extended Phase 1 Habitat Survey which identified that the site had suitable habitat for bats, breeding birds and reptiles and further identified the presence of bats and nesting birds within some of the existing buildings. On the basis of this preliminary report and the presence of bats (a protected species) the Council's Ecologist recommended that full bat surveys be undertaken prior to the determination of this application, in line with government Circular ODPM 06/2005 and to ensure the proposal is not contrary to the provisions of The Habitats Regulations (2010).

A Phase 2 Survey has subsequently been carried out which has identified a bat roost within the main nursing home building which is to be demolished as part of this proposal. As the proposal would result in the destruction of a bat roost (a European Protected Species), under the Habitats Regulations the LPA has a statutory duty to ensure that three derogation tests set out within this legislation are reported on as part of the decision making process:

The three derogation tests are:

1. the development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
2. *'there is no satisfactory alternative'*
3. the development *'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

A further report titled 'Bat Compensation / Enhancement Measures and Site Enhancements' has also been provided in an effort to address the last of these derogation tests. This document sets out in detail various measures to be incorporated within this scheme to mitigate / compensate for the loss of the existing bat roosts. The Council's Ecologist has confirmed that he is satisfied that these measures are both appropriate and proportionate and that subject to a condition to secure these measures he raises no further objection to this proposal, provided the other outstanding derogation tests are satisfied.

From the planning history it would appear that a nursing / care home has operated from this site since at least the late 1970's up until June 2017 when the applicant states the nursing home closed as it was no longer viable. Unfortunately no further details have been provided as to the viability of the nursing home however it is acknowledged that there is a trend for smaller, older nursing homes to be closing due to viability issues as they do not have the resources to keep up with changing demands and standards. The facilities at Knights Templar Court Nursing Home have stood on this site for many years and are visibly dated and are likely to require significant investment to bring them up to current industry standards.

Furthermore, it is understood that there is a nationwide shortfall in nursing / care home provision however there is no evidence to suggest that there is a district wide under provision of such accommodation, as such there are no local plan policies that seek to protect existing care home facilities. There is however a significant and growing demonstrable district wide shortfall in housing provision and both LP policy SS7 and the NPPF are clear in their support for the redevelopment of brownfield sites, which the application site is considered to be.

It is therefore considered that the redundant nature of this site, the fact that the proposal will make efficient use of an existing brownfield site and will make a positive contribution towards meeting the District's five-year housing supply, combine to offer such social benefits that override the impact that the proposal is likely to have in regard to the bat roost. There are no other proposals under consideration for this site and its redundant nature and questionable viability for its continued use as a nursing home or its suitability for an alternative reuse means that there are no other realistic alternative options available. On this basis, it is considered that the first two derogation tests are satisfied.

To conclude, and for the reasons set out above it is considered that subject to securing the proposed mitigation / compensation measures by condition, as recommended by the Council's Ecologist, it is accepted that the proposal meets the relevant derogation tests as stipulated within the Habitats Regulations and that the identified ecology issues should not hold back the proposed development.

Conclusion

The loss of the existing authorised care home use is regrettable, but in the absence of a policy framework to require its retention it is not possible to withhold planning permission on the grounds that the proposed use would result in loss of a care home. Similarly, the existing last eighteenth / early nineteenth century house, which forms the core of the disused care home complex and can be considered as an undesignated heritage asset, is not protected by any listed status and can, in the absence of a willingness on the part of the applicant to retain it be demolished.

The site is previously developed land within the settlement boundary of Templecombe. Templecombe is considered to be a sustainable settlement, a large village with a range of facilities and transport connections. Residential development is an acceptable alternative land use to the care home.

The site is approximately 0.93ha in size with few constraints. The development of nineteen units at a density of 20.4 units per hectare is not considered excessive. Whilst there are some reservations in relation to some of the details in the illustrative plan that accompanies the outline application, it does demonstrate that 19 units can satisfactorily be accommodated on the site and provides a robust framework for the drafting and consideration of reserved matters details.

The reduction in the amount of affordable housing, on account of the previously developed land status, is a national provision over which SSDC does not have discretion.

For these reasons the proposal is considered to represent a sustainable form of development that will make for the efficient and appropriate reuse of a brownfield site. The Ecology / Habitat concerns raised by the Council's Ecologist have been fully satisfied and appropriate mitigation measures proposed which are secured by condition as detailed below. In all other regards the proposed development is considered to raise no demonstrable harm in regard to visual amenity, landscape impact, residential amenity, highway safety or other identified environmental concern. The proposal is therefore considered to accord with the relevant policies of the local plan as well as the provisions of the NPPF and is recommended for approval.

RECOMMENDATION

Grant approval subject to the prior completion of

- a) A section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:
 - Secure three affordable housing units;
 - A contribution towards affordable housing; and
 - A Travel Plan
- b) The imposition of the planning conditions set out below on the grant of planning permission.

For the following reason:

01. The principle of residential development on this vacant brownfield site within Templecombe village is considered to be acceptable. The illustrative plan, that accompanies this outline permission, demonstrates that 19 dwellings at a density of 20.4 units per hectare can be accommodated. The proposal utilises the existing access off Troop Road, which is considered capable of serving the proposed development. Other matters including appearance, landscaping, layout and scale are to be considered at the reserved matters stage. As such the proposal is considered to be in accordance with the aims and objectives of Policies SD1, SS4, SS5, SS6, SS7, HG2, TA1, TA5, HW1, EQ1, EQ2 and EQ4 of the South Somerset Local Plan and the aims and provisions of the NPPF

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 4109/2 unnumbered first floor plan of existing 2883/7B 410/AS10; 4307/01; 4307/02; 4307/03; 4307/04; 4307/05; 4307/07; 4307/08; 4307/09; Unnumbered tree plan and LDS/14649-TP1 received 19 March 2018.

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

02. Details of the layout, appearance, landscaping, and scale (herein after called the 'reserved matter') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission or not later than 2 years from the approval of the last reserved matters' to be approved

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

04. No development shall commence unless a Construction 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 vehicles 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 the amenities of the area and local residents in accordance with Policies TA5 and EQ2 of the South Somerset Local plan

05. The proposed residential development shall provide a mix of house types and sizes. At least 12 of the 16 market dwellings shall be either 2 or 3 bedrooled units unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority wishes to ensure that a range of market housing types and sizes are provided across the district as required by Policy HG5: Achieving a mix of market housing of the adopted South Somerset local Plan and paragraph 50 of the NPPF.

06. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, as required by Policy TA1ii low carbon travel of the adopted South Somerset Local Plan and paras 93 and 94 of the NPPF.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1, low carbon travel, of the adopted South Somerset Local Plan

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, and any successors no development in Classes A, B, C and D of part 1 Schedule 2 shall take place without the prior permission in writing of the local Planning Authority.

Reason: To maintain the aesthetic integrity and residential amenity of the development and preserve the amenities of the neighbouring residential property.

08. 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: To ensure satisfactory highways are put in place to serve the development.

09. 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: To ensure satisfactory pedestrian access is provided to every dwelling in the development

10. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 4307/07). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure the provision of a safe access to the development.

11. 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: To prevent its discharge of surface water onto the highway.

12. Prior to any demolition, the applicant shall apply for, and be granted by Natural England, a European Protected Species Mitigation Licence in respect of bats. Proof of issue of such licence shall be provided to the local planning authority prior to discharge of this condition.

The bat compensation measures shall be provided in accordance with the submitted details, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Each phase of the development shall not be occupied until confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the submitted details, and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with Policy EQ4 of the South Somerset Local Plan, the NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

Informative:

01. Before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.