

Officer Report on Planning Application: 17/03985/OUT

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| 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

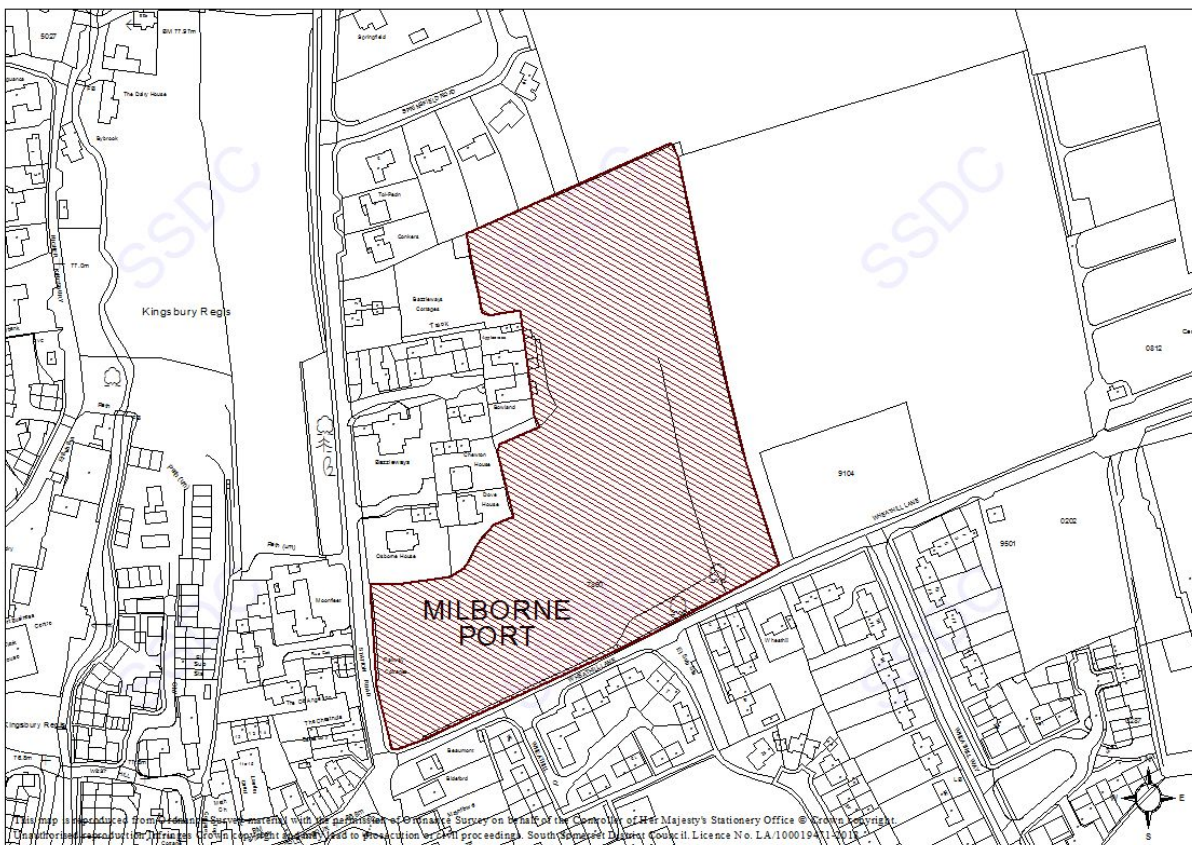
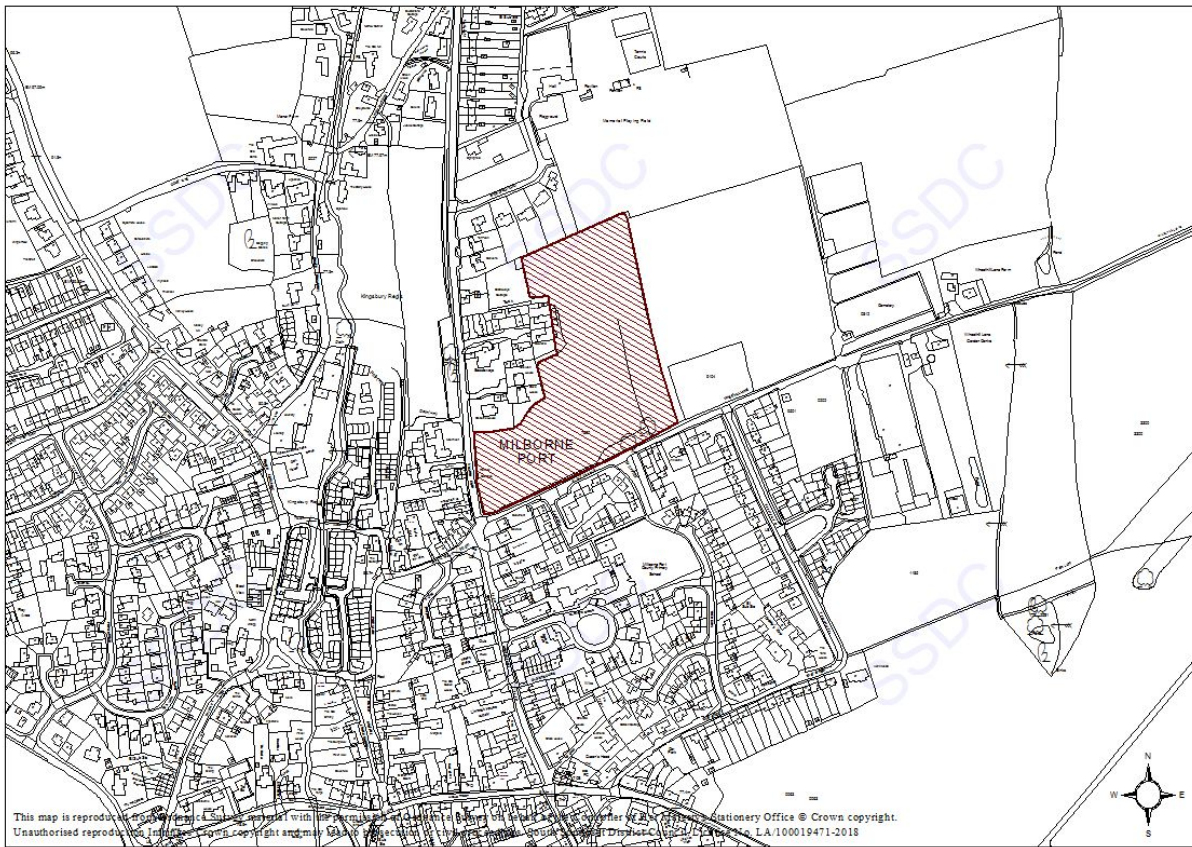
We have demonstrated that the East Area Committee's recommendation to 'refuse' is not well founded in planning terms, and that there is no conflict with the development plan's spatial strategy.

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 require 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.
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