

<b>Application No:</b>	<a href="#">3/32/19/019</a>
<b>Parish</b>	Stogursey
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Jackie Lloyd
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Alford
<b>Proposal</b>	Erection of a residential development comprising of 27 No. dwellings, relocation of childrens play area and associated works
<b>Location</b>	Land at Paddons Farm, Stogursey, TA5 1BG
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Grant

### Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the estate road, footpaths, junctions, visibility splays, individual accesses, including the pedestrian access and link between the site and Lime Street, street lighting installations and highway surface water drainage shall be completed to at least base course level prior to the commencement of any other works on site and shall be provided finished and ready for use in all respects in accordance with the approved plans to current County Highway Authority adoptable standards prior to the first occupation of any part of the development hereby permitted.

Reason: In the interests of highway safety.

- 4 The existing children's play area is to remain open, usable and well maintained to a standard acceptable to the Council until such time as the replacement

children's play area has been completed (in accordance with a specification to be firstly submitted to and agreed in writing with the Local Planning Authority) and is open and ready for use and shall thereafter be retained in the approved form.

Reason: To ensure proper provision and maintenance of open space facilities to serve the area.

- 5 (i) An updated landscaping scheme (related to revised plans submitted under 3/32/19/019) shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 6 If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up.

Reason: The Local Planning Authority wishes to ensure that any items of archaeological interest are properly recorded for posterity.

- 7 Prior to occupation of the building(s) (approved under 3/32/19/019), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with updated details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses. To ensure the adequate provision of drainage infrastructure.

- 8 Measures to minimise the impact on ground and surface waters shall be carried out strictly in accordance with the hereby approved Method Statement to the timescale and programme of works detailed therein.

Reason: Previous activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site, and thus may present a threat to the quality of controlled waters of Stogursey Brook,

especially as a result of the proposed development and the additional work is required to ensure the development will not cause pollution of Controlled Waters.

- 9 Prior to any further construction of the development (following approval of application 3/32/19/019), hereby permitted, updated samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the visual amenity and character of the area.

- 10 All materials to be used in boundary treatments and means of enclosure to the development and gardens abutting the open landscaped areas on the site shall be carried out strictly in accordance with this permission and prior to occupation of the development.

Reason: To ensure that the appearance is in harmony with the traditional character of development in the area in the interests of visual amenity.

- 11 The stone features shown on the drawings shall be in local natural stone laid in a traditional manner with flush or recessed pointing with lime based mortar. Prior to the features being constructed, representative samples of the stone to be used and a one metre square sample panel shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the stonework will be in harmony with the traditional character of development in the area in the interests of visual amenity.

- 12 The protection and enhancement of the existing woodland and badger foraging habitat along the Stogurse Brook shall be maintained in accordance with the submitted scheme (and any amended scheme approved by the Local Planning Authority thereafter) for the management and landscaping of this area and the open ground associated with same. The area of land identified for potential burial ground provision shall be maintained as species rich grassland, in accordance with a detailed scheme for same which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site.

Reason: In the interests of biodiversity and to enhance the character and quality of the area.

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

thereafter maintained until the use of the site discontinues.

Reason: To safeguard the general amenities of neighbouring dwellings.

- 14 No development shall commence unless a Construction Environmental Management Plan (updated following approval under 3/32/19/019) has been submitted and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours
  - Expected number of construction vehicles per day;
  - Car parking for contractors
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To safeguard the general amenities of neighbouring dwellings.

- 15 Unless otherwise agreed in writing by the Local Planning Authority, activities on the site, other than ancillary, temporary site office uses hereby approved or internal maintenance work to same, no demolition/construction work, or operation of vehicles, plant, machinery or equipment shall be carried out on site, except within the following times and days:-
- i. between the hours of 0800 and 1800 Monday to Friday inclusively;
  - ii between the hours of 0800 and 1300 on Saturdays;
  - iii. and there shall be no working on Sundays or Public Holidays.

Reason: To safeguard the aural and general amenities of neighbouring dwellings.

- 16 The development shall be carried out in accordance with the submitted FRA (FRA Addendum : RMA Environmental , 18/10/2019) and the following mitigation measures it details:  
Finished floor levels shall be set no lower than 27.35 metres above Ordnance Datum (AOD)  
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the schemes timing /phasing arrangements.  
The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants .

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The access of this proposal falls within n Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year )

## **Proposal**

Erection of residential development comprising 27 dwellings, relocation of children's playing area and associated works.

Whilst there is a change in the description of development, this is an identical application to 3/32/18/042 which was an application to vary Condition No. 22 (approved Plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66 with changes to layout and design. This was a re-design of application 3/32/17/012 which was dismissed at appeal on the grounds that the application could not be dealt with as an amendment to approved drawings. The Inspector did not consider the merits of the case.

Whilst this description of development states erection of 27 dwellings, a number of dwellings remain not built (20) from a previous permission ( 3/32/07/008) and as such the increase in number when considering the site as a whole amounts to 7.

## **Site Description**

Paddons Farm, is situated within the village of Stogursey adjacent to its eastern boundary. The site has been partially constructed and built out with 39 homes that are now occupied. Associated infrastructure including highways, drainage, landscaping and children's play area have already been delivered on site. This

application is seeking amendments to the approved scheme in order to redesign parts of the site to accommodate an additional 7 dwellings. Providing 7 additional dwellings would, it is argued, to improve the overall viability of the proposal allowing completion of the estate.

The site is bounded by existing residential areas to the west, off St. Audries Close and Park View. St. Andrew's Church and burial ground lie to the south with farmland and open countryside to the north and east. Stogursey Brook runs through the site to the east and south of the houses, bounding the areas of public open space. The stream is partially screened with overhanging trees and foliage.

There is one main vehicular access in to the site from the road known as Paddons Farm, which connects on to a T-junction with Church Street to the west and Priory Hill to the east. There is also a pedestrian link in to the site from Park View as well as a pedestrian footbridge via a stepped access path over the brook to the south of the site.

The site falls within the built-up area of Stogursey, within the Stogursey Conservation Area and was originally allocated for residential development under retained Policy H/1 of the previous West Somerset Local Plan (2006).

## Relevant Planning History

The following table provides a summary of the relevant planning application history which is detailed further below.

<b>APP REF.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DECISION DATE</b>
3/32/06/003	Erection of 55 dwellings and associated works	Approval	5.7.06
3/32/07/008	Erection of 59 dwellings & associated works as amended	Approval	26.4.07
NMA/32/17/002	Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans'	Conditional approval (extant conditions apply)	8.8.17
3/32/17/012	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.	Refused  Appeal dismissed	17.10.18
3/32/18/042	Variation of Condition No.	Refused	7.3.19

	22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.(Resubmission of 3/32/17/012)		
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## Planning Application Background

There is significant background to this application. The planning applications that have preceded this one are detailed below.

### **Full Planning Permission 3/32/06/003**

On 7th February 2006, a full application was submitted seeking planning permission for the *'Erection of 55 dwellings and associated works' – Land at Farrington Hill Lane, Stogursey, Bridgwater TA1 2PX'*.

Conditional Planning permission was granted on 5th July 2006 supported by a Section 106 Agreement ('the Principal Agreement') dated 3rd July.

### **Full Planning Permission 3/32/07/008**

On 13th February 2007, a full application was submitted seeking permission for: *'Erection of 59 dwellings and associated works as amended by drawings and documents listed in agent's letter of 6th March 2007 received by Local Planning Authority on 7th March 2007'*.

The drawings submitted included new drawing numbers 06.05.084120 (Rev PO2), SPP/1172/2 (Rev A), 161-021(PI) (Rev M) and 161-021(P2) (Rev A), received by the LPA on 23rd April 2007.

On 26th April 2007 planning permission was granted under delegated powers, subject to twenty-one conditions. A Supplementary Agreement to the Section 106 was agreed dated 2nd

May 2007. The Supplementary Agreement provides that the provisions of the Principal S106 Agreement shall apply, save for an amendment increasing the developer contributions for 'Mobile Youth Provision Contribution' from £20,000 to £28,000 Index Linked.

The decision notice approving this application referred to 'amended and new

drawings' submitted prior to that approval but these were not listed as approved drawing at the time.

On 8th July 2009, a further Supplementary Agreement under Section 106 TCPA 1990 was agreed. This further Supplementary Agreement observes Magna Housing as a landowner and party to the Principal Agreement and varies provisions to allow the affordable housing units to be used for affordable social rental purposes.

The development permitted under 3/32/07/008 was implemented by the applicant in tandem with Magna Housing Association, resulting in the delivery of all of the affordable housing provision secured under the relevant S106 Deed. However, of the 59 dwellings permitted, only 39 dwellings were fully completed. The incomplete development was then occupied but has hitherto remained incomplete. The applicant has attributed this state of affairs to the poor economy and difficult market conditions prevailing through this period.

### **Non-Material Amendment (NMA/32/17/002)**

On 12th June 2017 the applicant sought to address the detail lacking in the decision notice issued under ref. 3/32/07/008 through applying for a non-material amendment to the decision notice issued on 26th April 2007. This non-material amendment was granted on 8th August 2017, identified in application ref. NMA/32/17/002 as: *'The addition of a condition listing the approved plans'*.

Through this decision, a further condition (Condition 22) was added to the list of conditions under application ref. 3/32/07/008 listing the approved plans. This enabled the applicant to submit the application, the subject of this appeal, to vary certain approved plans under Section 73 TCPA 1990.

### **Section 73 Application to vary Condition No.22 (3/32/17/012)**

A Section 73 application was submitted on 11th October 2017 which sought to vary the approved plans of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66. The specific changes sought under this application are:

- Amended layout and design of housing area to accommodate 7 additional dwellings with associated parking;
- Relocation of children's play area (LEAP) to accommodate 2 of the additional dwellings
- Changes to design of children's play area

Following an officer's recommendation for approval, the application was refused by committee on 17th October 2018 for the following reasons:



*The proposed revisions to the plans previously approved under App Ref: 3/32/07/008 including the addition of seven dwellings would result in an unacceptable cramped form of development compromising the site's functionality, reducing its overall quality and negatively impacting the local character and the setting of the conservation area. The revised layout results in inadequate and poorly sited parking provision (including undersize garaging) and the reduction and loss of amenity space. The repositioning of the LEAP results in a less convenient, less accessible, (particularly for disabled persons) less useable and attractive area being in a shaded and sloping position close to the stream which is contrary to saved Policy R/5 and R/7.*

An Appeal was subsequently dismissed on 2.5.19 (Appeal reference APP/H3320/W/18/3215128). However it should be noted that the Inspector did not dismiss the appeal on the merits of the application but on the grounds that the application should not have been dealt with by way of a Section 73 application to vary an approved condition (plans). In dismissing the Appeal the Inspector stated:

*"This proposal is not appropriate to be brought forward in the form of a Section 73 application to vary an approved condition on the original permission as the amended proposal amounts to a fundamental alteration which would be substantially different from that originally approved development...."*

*It is important to note that the development as now proposed maybe acceptable if it was subject to a fresh planning application but that doesn't mean it can be properly accepted as a Section 73 scheme"*

### **Resubmission of Section 73 Application to vary Condition No.22 (3/32/18/042)**

The applicant then resubmitted a revised application (this preceded the appeal decision) in response to the concerns raised by members following the refusal of 3/32/17/012. The following changes were made:

- Removal of all the proposed new garages, which have been replaced by parking spaces;
- The proposed parking configuration and its allocation to plots has been reviewed and amended to improve the proximity of parking spaces to plots and pedestrian connections from parking spaces to plots;
- 11 visitor spaces have been added;
- The pedestrian route to the proposed relocated play area has been amended;
- The proposed play area has been re-designed and section drawings provided to show how it would work in the proposed location; and
- New play equipment is proposed which would be a more modern and improved design and range of equipment than is currently provided on site.

Following an officer's recommendation for approval, the application was refused by committee on 28th February 2019 for the following reasons:

The proposed revisions to the plans previously approved under App Ref:

3/32/07/008 including the addition of seven dwellings would result in an unacceptable cramped form of development compromising the site's functionality, reducing its overall quality and negatively impacting the local character and the setting of the conservation area. The revised layout results in the reduction and loss of amenity space. The repositioning of the LEAP results in a less convenient, less accessible, (particularly for disabled persons) less useable and attractive area being in a shaded and sloping position close to the stream which is contrary to retained Policies R/5 and R/7 of the West Somerset District Local Plan.

## Consultation Responses

### *Stogursey Parish Council -*

States that little change to previous application. Raises concerns over parking particularly blocks of tandem parking and location of play area tucked away out of sight and close to a stream which runs fast and deep after heavy rain. Represents overdevelopment of a small estate of housing.

### *Highways Development Control -*

Further observations awaited.

### *Wessex Water Authority -*

The increase is acceptable in principle. We will expect additional information to come forward as the site progresses to confirm a robust drainage strategy which considers points of connection as well as diversions and easements of any public assets within the proposed area. Final sw flows will also need revision with WW if they are proposed to the public network.

### *SCC - Ecologist - No comments*

### *Housing Enabling Officer -*

25 affordable homes have been delivered in partnership with Magna Housing, no additional affordable housing contribution is required.

The repositioned play area appears to be located very close to existing trees as well as the stream. The site is less accessible than in the original planning application making access more challenging particularly for the elderly and disabled. It also provides less opportunities for natural surveillance than the original planning application.

### *National Grid - No response*

### *Avon & Somerset Police -*

### *Devon & Somerset Fire & Rescue Service -*

No response

### *South Western Ambulance Service -*

No response

### *Western Power -*

No response

*Environment Agency* - Withdraw their objection subject to a condition requiring development to be carried out in accordance with agreed mitigation measures prior to occupation.

*Planning Policy* -  
No response

*Conservation Officer* -  
No response

*SCC - Historic Environment* -  
No objection

*Somerset County Council - flooding & drainage* -  
comments awaited.

## Representations Received

Somerset CPRE:

- Proposal contrary to SC1.3 additional dwellings will not contribute to sustainability benefits causing negative impacts to social cohesion health and well-being through the intensity of build massing.
- Does not contribute to local character of the setting of the conservation area.
- Contrary to Policy NH13: Does not make a positive contribution to the local environment nor does it create a place with a positive distinctive character due to the over-intensification of the site.
- Re-location of play area contrary to Policy R/6 :Not made with children's best interests in mind. Relative lack of openness of the site offers limited natural surveillance putting children at risk of potential abuse.

18 letters of objection received on the following grounds:

- Strongvox in breach of Section 106 obligations in particular related to conveyance of open space to Parish Council along with funding to construct car park and toilet and establishment of maintenance scheme for various other open spaces at Paddons Farm
- £49,864 behind with maintenance payments
- Strongvox have not completed the original so should not be allowed to make changes
- Shouldn't be considering application when Strongvox haven't complied with original S106 conditions
- Drains would not cope with more surface water
- Planning Inspectorate already rejected an identical planning application just a few months ago
- Dangerous position of driveway opposite No 2
- Use of wooden banks/walls in the playground will rot overtime.

- Insufficient infrastructure to support new homes
- Integrity of estate is a complete mis-match of styles
- Infrastructure cannot handle any more vehicles and fire engines would struggle to get around.
- Will lead to more traffic as there is no public transport.
- Estate should be finished to the original plans.
- Repositioning of play area is unacceptable as the area floods. It should not be hidden away. It is a Health and Safety risk to children.
- Inadequate parking provision. Parking is heavy on the estate, there isn't enough space to cram more properties.
- Lack of proper access for people with disabilities
- Lack of amenities in local area including jobs, schools and doctors, more housing is therefore not sustainable
- Overdevelopment of the estate, particularly the central area, given the previous permitted increase from 55 to 59 units
- Strongvox should be made to comply with their original requirements for visitor parking provision
- Relocated play area site is too close to stream, dangerous for children
- Live badger setts
- Extra housing is substandard compared with the original approved scheme
- Proposed density unsuitable for family usage
- Poor architectural design and finish
- Construction phase will create colossal disruption to existing residents
- 2 proposed houses by No. 4 will not have legally required space for driveways and footpath without impinging on private driveway to numbers 5 and 6
- Play area much closer to boundary of 4 Paddons Farm.
- Increase in car traffic and parking limiting the already limited parking options
- Will be forced to move cars to Church Road causing impediment to traffic
- 2 new dwellings will be close to boundary line of No. 4 Paddons Farm generating noise, disturbance and impacting privacy through overlooking of the garden
- Proposed pathway around No. 4 will incite unsocial behaviour

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CF1	Maximising access to recreational facilities
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH13	Securing high standards of design
W/7	River Corridor Protection
T/8	Residential Car Parking
T/9	Existing Footpaths
R/5	Public Open Space and Large Developments
R/7	Amenity Open Space
SY/2	Community Facilities

### **Retained saved policies of the West Somerset Local Plan (2006)**

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CF1	Maximising access to recreational facilities
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH13	Securing high standards of design
W/7	River Corridor Protection
T/8	Residential Car Parking
T/9	Existing Footpaths
R/5	Public Open Space and Large Developments
R/7	Amenity Open Space
SY/2	Community Facilities

## **Local finance considerations**

### **New Homes Bonus**

The development of this site would result in payment to the Council of the New Homes Bonus.

### *1 Year Payment*

Somerset West and Taunton	£1,079
Somerset County Council	£270

### *6 Year Payment*

Somerset West and Taunton	£6,474
Somerset County Council	£1,619

## **Determining issues and considerations**

This site was originally allocated for residential development under retained Policy H/1 of the previous West Somerset Local Plan (2006). The original allocation was for 45 dwellings. The subsequently approved scheme was for 55 dwellings (ref. 3/32/06/003), amended to 59 dwellings (ref. 3/32/07/008) and now, should this application be approved, proposed to be increased to 66 overall. The principle of residential development in this location, within the Stogursey Conservation Area, has therefore already been established by the extant permission for 59 dwellings which potentially could be built out and is a material consideration and "fall-back" position.

This application (identical to 3/32/18/042 ) will increase the overall number of dwellings by an additional 7. This will create a denser core to the development however the overall density of the development remains acceptable. Aside from the pair of semi-detached dwellings on the play area site, the additional dwellings have been accommodated through reconfiguration of the existing plots therefore overall there is limited material change to the layout of the site through these changes.

Policy SC1 of the West Somerset Local Plan to 2032, identifies Stogursey as a primary village where limited development will be permitted, where it can be demonstrated that it will contribute to wider sustainability benefits for the area. The revised housing mix, focussing on two and three bed houses rather than four bed houses is more in line with the identified housing requirements for West Somerset as set out under Policy SC3.

It should be noted that there is a national imperative to increase the supply of housing as stated within National Planning Policy Framework (NPPF). Paragraph 59 states that it is the Government's objective to significantly boost the supply of homes. In the context of the national housing shortage paragraph 122 states that decisions should support development that make efficient use of land.

It should be noted that with 25 affordable homes already provided on site, requirements under Policy SC4 Affordable Housing, have already been satisfied.

Policy NH2 requires that development within a conservation area should preserve or enhance its character or appearance. The proposed scheme is not considered likely to give rise to harmful impacts upon the conservation area. The completion of the site and new and improved play area should overall enhance the visual amenity of

this part of the conservation area. The architectural style, materials and finishes are proposed to be in keeping with those already deemed acceptable within the conservation area under the approved scheme.

Retained Policy T/8 establishes the Council's parking requirements for residential development whereby a minimum of 2 car parking spaces is usually expected. Where no garages are provided, 1 secure and covered cycle parking space is expected to be provided per dwelling. Concerns were raised with the applicant that the garages proposed were below the Council's minimum size standards (as set out in the Somerset County Council Parking Strategy (2013) and these have now all been removed within this scheme. The parking standards meet with the Council's policy requirements.

Two of the additional dwellings are proposed to be sited on the area identified within the existing S106 Agreement as a children's Locally Equipped Area for Play (LEAP). This play area has already been delivered on site and therefore the proposals would result in the existing play area being removed and a new play area being provided in an alternative location.

Policy CF1 states that the *'unnecessary loss of valued services and facilities should be prevented, particularly where this would reduce the community's ability to meet its day to day needs'*. It also states that *'Where a development proposal would result in the loss of such facilities, equivalent or greater replacement facilities serving the same area must be provided as part of the proposals.'* Therefore for the proposals to be policy compliant the applicant is required to reprovide an equivalent or greater play facility.

The play area is proposed to be located adjacent to the existing play area but further to the south and closer to the stream, still connected to the existing pedestrian network. This site is more sloped than existing which the applicant has sought to make use of as a feature and incorporate within the design, for example including a slide. The new location will continue to be fenced and gated and informal surveillance will be provided by the new two dwellings fronting on to it. Concerns were raised on the previous application in relation to the footpaths leading to up to it which have now been redesigned. Other locations for the play area on the site have been explored such as in the area of green space on the east of the site. However this area is not as well connected to the pedestrian network from the village and there are active badger setts in this area.

In accordance with retained Policy W/7 the River Corridor environment must be protected. Full landscape details will need to be provided with the revised scheme. This will be required under a revised condition.

It is acknowledged that this aspect of the proposed amendments has generated objection from local residents who clearly value the existing play facility. It is considered however that the delivery of a new play area can provide the opportunity for a better quality, improved facility to that already on site. A Supplementary Agreement to the original S106 will be required. Via this agreement the applicant will also be required to retain the existing play area on site until the new play area is

completed so that residents are not left without the facility. Although the relocation of the play area has met with considerable objection locally, it is considered that the benefits of the completion of this stalled site and delivery of additional housing outweigh the potential concerns about the new location.

Retained Policy R5 sets out the requirements for public open space on large developments for twenty-five dwellings or more. Even taking in to account the loss of the 500sqm of amenity space from the removal of the play area, overall the amount of public open space on site remains policy compliant.

## **Conclusions and Recommendations**

Paddons Farm has stood incomplete for some ten years creating significant disruption and uncertainty for the existing residents. This application provides a way of completing the site whilst providing additional housing and a new, modern play facility in landscaped surroundings.

It is the Officer's view that the increased number of dwellings on the site can be satisfactorily accommodated and that the overall density of the development remains acceptable. The previous concerns raised over garages, parking provision and quality of play equipment have now been addressed.

The existing Section 106 agreement (together with the Supplementary Agreements) remain in place and all of the contributions have now been made except for the transfer of land to the Council for burial ground. A Deed of Variation will accompany this application relating to the provision of the relocated play area. The list of conditions attached to the approved scheme will be reapplied where relevant as well as any new conditions that may be necessary.

For the above reasons it is recommended that the application should be approved subject to prior resolution of a Supplementary Agreement under Section 106 TCPA 1990. Unless previously discharged, the requirements include those set out in the Section 106 Agreement previously entered into by the Applicant with the Council under Ref: 3/32/06/003 dated 3rd July as well as any Supplementary Agreements thereafter :

The provisions of the Principal S106 Agreement include obligations for:

- Landscaped open space and a children's play area;
- Reservation of an area of land for potential future provision by the Council of a burial ground;
- Payment of financial contribution to the Council (£15,000 Index Linked) towards the cost of providing a public toilet and car park for use in association with the burial ground;
- Payment of a financial contribution (£22,000 Index Linked) to the Council to enable it to carry out repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;



- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the costs of providing an appropriately equipped motor vehicle to facilitate the operation of the Mobile Youth Provision which the Council considers to be requisite to meet the need expected to arise from the Development Proposal;
- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the cost of the provision or enhancement of off-site recreational facilities which the Council considers to be requisite to meet the need expected to arise from the Development Proposal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.





