

**JOINT AREA COMMITTEES IN SOUTH SOMERSET**  
**Officer Report On Planning Application: 08/04305/FUL**  
**Excepted Business**

<b>Proposal :</b>	Demolition of existing housing and the erection of 34 flats and houses (GR 368183/134424)
<b>Site Address:</b>	Land At Coxs Close Bruton
<b>Parish:</b>	Bruton
<b>Ward : (SSDC Member)</b>	BRUTON A M Groskop (Cllr)
<b>Division (SCC Member)</b>	BRUTON A M Groskop (Cllr)
<b>Recommending Case Officer:</b>	Simon Fox Tel: (01935) 462509 Email: simon.fox@southsomerset.gov.uk
<b>Target date :</b>	14th January 2009
<b>Applicant :</b>	Mr Mark Dillon
<b>Agent: (no agent if blank)</b>	Miss Charmaine Hone Calfordseaden Calford House Wessex Business Park Wessex Way Colden Common Winchester Hampshire SO21 1WP
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

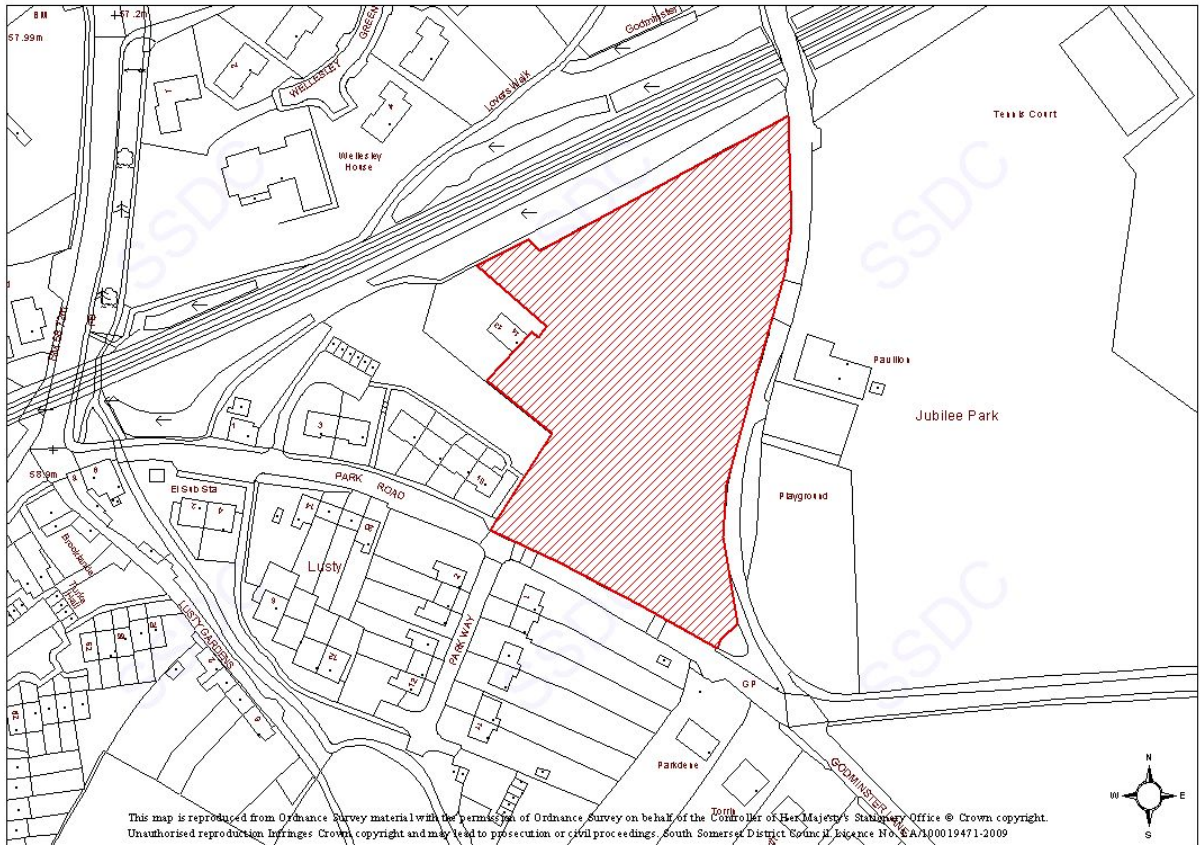
**Reason For Referral To Committee**

The application has been referred back to the Joint Area East Committee due to the fact that the application was previously considered by committee and has now been amended. The application was originally referred for the Committee's consideration because part of the application represented a Departure from the Local Plan, the Ward Member had declared an interest and several letters of concern had been received.

**Update**

Following the Joint Area Committee's resolution in February 2009 to grant permission subject to the satisfactory completion of a Legal Agreement to secure affordable housing and sport, art and leisure contributions the applicant, now known as Yarlinton Homes was able to purchase the flat excluded from the original scheme from a private individual to allow a comprehensive development to be laid out. Since that time the layout has been modified and the material choices amended, following comments from members on the previous choice of brick. The report has been amended from that presented in February.

## Site Description And Proposal



Cox's Close was developed in the 1950s and contains 24 flats in 6 blocks arranged around a central estate road and turning area, reminiscent of a suburban cul-de-sac. Each block has the appearance of a semi-detached dwelling with front and rear gardens, with the flats formed by a vertical and horizontal division of that block. The blocks are pre-fabricated pebble-dashed concrete panels under a pitched concrete tile roof. The site is accessed off Godminster Lane, which runs from Plox to the north over a railway bridge to Park Road to the south. Cox's Close is currently not linked by a pavement to any other part of the town.

The context to the site is varied. To the north is a railway line contained within a deep cutting which contains a Site of special Scientific Interest. To the west is the area known as Lusty, and closest to the site on Park Road is a collection of reconstructed bungalows and red-brick two-storey dwellings, some with render. To the south is Park Way, a cul-de-sac of red-brick two-storey dwellings again with some rendered. To the east on the opposite side of Godminster Lane is Jubilee Park.

Jubilee Park contains Bruton's main recreational space, the Pavilion (used amongst other things as sports hut and pre-school/Nursery) and the historic Dovecote. Part of the grounds of the Dovecote is an Ancient Monument, being the site of an Augustinian Priory. The Park Wall (approx 1-2m high stone wall) surrounding the Jubilee Park and Dovecote grounds runs along the eastern edge of Godminster Lane and forms part of the boundary of the Conservation Area.

The other part of the application site is a severely sloping disused and overgrown area immediately adjoining Cox's Close to the south. There is a worn footpath through the site

assessed by steps from Park Road which runs to Godminster Lane, assessed by more steps.

The application site is recognisable in two parts and shall be referred to separately for clarity. Site A shall be the area known as Cox's Close and Site B as the vacant sloping overgrown area to the south.

The amended proposal seeks to demolish all units on Site A and construct 29 units (10 flats -[1/2 beds] and 19 dwellings [2/3 beds]), the access remains in the same place put the estate road is realigned. 47 parking spaces are proposed to serve these dwellings.

Site B is to be re-contoured and 5 units [2 beds] are proposed in a terrace form. 8 parking spaces are provided for these dwellings in a small court accessed off Godminster Lane. The existing footpath will be upgraded and an area to the side of the dwellings will be landscaped and promoted for wildlife.

The properties are proposed as two-storey gabled dwellings with tiled pitched roofs. The choice of materials has been amended to propose the majority as reconstructed stone with brick detailing and several key properties in render with brick plinths and detailing.

The application still includes the introduction of a pavement link from Cox's Close to the point where the pavement currently ends some 40m to the north at Godminster Court over the railway bridge.

## **History**

16475: Development of land by the erection of dwelling houses with services, the construction of estate roads and formation of pedestrian accesses: Conditionally Approved: 11.06.1952.

## **Policy**

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

### Relevant Development Plan Documents

-Regional Spatial Strategy (RSS) for the South West (RPG10) (adopted September 2001):

Vis 1 - Expressing the Vision

Vis 2 - Principles for Future Development

EN3 - The Historic Environment

-Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000)

STR1 - Sustainable Development

STR3 - Rural Centres and Villages

STR5 - Development in Rural Centres and Villages

Policy 1 - Nature Conservation

Policy 5 - Landscape Character

Policy 9 - The Built Historic Environment

Policy 35 - Affordable Housing

Policy 49 - Transport Requirements of New Development

- South Somerset Local Plan (Adopted April 2006)
- ST1 - Rural Centres
- ST5 - General Principles of Development
- ST6 - The Quality of Development
- ST8 - Sustainable Construction
- ST9 - Crime Prevention
- ST10 - Planning Obligations
- EH1 - Conservation Areas
- EP1 - Pollution and Noise
- EC3 - Landscape Character
- EC8 - Protected Species
- HG4 - Housing Densities
- HG7 - Site Targets and Thresholds
- TP1 - New Development and Pedestrian Provision
- TP3 - Cycle Parking
- TP7 - Parking Provision in Residential Areas
- EU4 - Water Services
- CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
- CR3 - Off-Site Provision

#### Policy-related Material Considerations

- Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):
- SD1 to SD4
- Development Policies A,B,C,E,H
- ENV 1,2,3,4
- H1
- RTS 1 and 2

- PPS's/PPG's
- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 3: Housing
- Planning Policy Statement 9: Biodiversity and Geological Conservation
- Planning Policy Guidance Note 13: Transport
- Planning Policy Statement 22: Renewable Energy

- South Somerset Sustainable Community Strategy
- Theme: Active, Healthy and Safe - Goals 1 and 3
- Theme: Well Designed and Well Built - Goals 8 and 9
- Theme: Environmentally Sensitive - Goals 10, 11 and 12

- Parish/Town Plan - Bruton: The Way Forward

#### **Consultations**

Bruton Town Council -  
The Town Council have been broadly supportive of the scheme but had expressed reservations over the choice of materials.

Members will be orally updated on the Town Council's comments on the most recent amendments.

County Highways -  
Comments prior to amendments: "I refer to the above-mentioned planning application received on 4 November 2008 and after carrying out a site visit on 21 November 2008

and subsequent visits together with a meeting with you at the offices of South Somerset Homes on 28 November 2008 followed by the submission of revised plans which I received on 20 January 2009, I have the following observations on the highway and transportation aspects of this proposal:-

You will be aware that from the outset with the redevelopment of this residential area my main aim was to concentrate on the sustainability aspects of site to ensure a safe route for pedestrians to the village centre for access to services and public transport. I am pleased to note that all our negotiations and discussions have resulted in the proposed provision of the dedicated pedestrian route across the railway bridge which will provide a safe and separate route for pedestrians to ensure that there is no conflict with vehicular traffic.

As you know, I would have wished to ensure that Godminster Lane could have been widened to prevent over-running of vehicles which currently happens but I have had to be cognisant of the fact that this is a finite development based on external funding and I have also allowed for the fact that there will be a marginal increase in the number of residential units here rather than as a new residential estate. I am also pleased to note that there is a form of lay-by proposed to allow for some vehicle passing at the entrance into the small car park at the western side of Godminster Lane, which will afford some improvement here.

As I have stated, my primary concern was to ensure a safe pedestrian route to this site from the village for all users of the highway. A further aspect which has been considered regarding some form of traffic calming is the provision of a raised table at the junction of Park Way with Park Lane. This provision will be discussed at the time that any revised application is submitted in the rest of the development in Park Way.

On the matter of the detail of the residential layout, my colleagues within the S38 Agreement residential estates section will have need of an input into the areas to be put forward for adoption as new public highway. To this end, I have noted that there are areas where car parking spaces directly about the carriageway/turning head, and in these instances there should be a 450mm clearance margin to be included. I am content with the level of car parking proposed and general layout of the estate; the use of the car parking areas will be a matter for the management of the estate by South Somerset Homes. Again, as part of the S38 adoption areas, I would wish to see a dedicated visibility splay provided from Coxs Close out onto Godminster Lane of 2.4m x 33m; this is achievable on the submitted layout within the red line. Whilst I acknowledge that there is a note on the submitted plans to 'trim back' the vegetation at the entrance to the car parking spaces to be served off Godminster Lane, there is benefit if these areas are also taken into the highway to ensure that a visibility splay of 2.4m x 33m can be maintained.

There will be areas of the former estate road that will need to be stopped up and the applicant will need to ensure that this is carried out following the grant of any planning permission, details for which will have to be approved with the Government Office North East".

Members will be orally updated on the Highway Authority's comments on the most recent amendments.

Housing Unit - "One of SSDC's key corporate priorities is to reduce homelessness and in line with our Housing Strategy, we seek to achieve this by enabling additional housing in partnership with Registered Social Landlords.

This development will help to alleviate the housing need in South Somerset by creating additional affordable units.

This development will provide mixed tenure accommodation to create a sustainable community, which will comply with Government guidance. The alternative tenures will provide a suitable balance of accommodation.

A condition of the transfer agreement was that the PRC units had to be brought up to standard. In some cases, the most economical way to do this is to demolish the properties and rebuild them.

South Somerset Homes will be demolishing 22 units and building 31. We expect 35% of the extra 9 units to be affordable as well as the 22 replacement units. Giving a total of 25 affordable units.

In conclusion, we totally support this application and the opportunity it represents to provide additional affordable housing".

With an amended scheme the affordable housing requirement will be different.

English Heritage - "The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice".

Landscape Architect - "I note the revised details received at this office 20/01. I also acknowledge receipt of the full ecology report that was unavailable previously.

As before, I am broadly happy with the layout of the upper site. My main concerns relative to the southwest aspect have been met with a revised level treatment in the rear gardens of both the upper and lower sites, and kriblock containment between the two. In view of the gradient difficulties, and mindful that there is limited visibility of this aspect, then I am content that the solution offered is workable, providing there is appropriate landscape treatment within this area, particularly to the rear of plots 20-25.

The levels and access arrangements between the parking area and the lower site are noted, and I have no further comment.

I have previously stated that I can see some scope for housing on the lower site, but in tandem there will be a need for appropriate landscape treatment inclusive of positive management of the existing vegetation, as well as new planting proposals. I have not yet seen a detailed landscape submission, hence this is a necessity that should be conditioned. The landscape proposal should indicate;

- 1) all existing trees and shrub vegetation to be retained;
- 2) planting proposals for the whole site, inclusive of a planting and material specification, and;
- 3) management prescriptions for the existing boundary hedges, and the scrub bank that comprises the lower site.

The landscape scheme should be submitted and agreed before work commences on site".

Members will be orally updated on any new comments received as a result of the most recent amendments.

Tree Officer - "There are very few existing arboricultural features of sufficient quality to pose a constraint to development at this site". "The boundary treatment of the hedge line adjoining the road opposite the village hall and play area is worthy of careful consideration. I would suggest regenerative works to reinforce the hedge line, i.e. gapping up with young stock and the additional planting of some Field Maples with a natural form".

"A good planting scheme really is an important element considering this application's close proximity to an elevated and prominent historic landscape that is well used and loved by the public". "Provided such a scheme is ensured, I have no objection to the proposal".

Members will be orally updated on any new comments received as a result of the most recent amendments.

Ecologist - "I'm happy with the submitted ecological survey of the site and the wildlife enhancement plan for areas A & B.

**Badgers**

A single outlier sett was found on the site and it should be feasible to close this under licence without any significant impact. It may be worth an informative - wording in para. 7.1 of the Aug 2006 Ecological Survey could provide the basis for this.

**Slow worms**

The survey found a single animal (a specific reptile survey hasn't been undertaken and this may reveal more). I also know slow worms have been found in the recent past on the adjacent school site and railway embankment. Although the site is likely to support only a small population, there will nonetheless be a need for a mitigation plan and I recommend a condition requiring this (attached). I note the wildlife enhancement plan for Area C includes measures to make it suitable as a receptor area for slow worms translocated from the development site and I also note Mark Dillon's comment below that they do not intend to implement the wildlife enhancement plan for Area C. This therefore further justifies the requirement for the applicant to submit a mitigation plan.

**Nesting birds**

The scrub on the site is likely to be used by nesting birds. I therefore recommend a condition (attached) to restrict timing of works to avoid the nesting season".

Members will be orally updated on any new comments received as a result of the most recent amendments.

Natural England - No objections as it will not impact of the Godminster Lane Quarry Site of Special Scientific Interest. A mitigation plan for slow worms is required. The houses should be surveyed for bats and a mitigation plan produced if bats are found.

Members will be orally updated on any new comments received as a result of the most recent amendments.

County Archaeology - No implications.

Police Architectural Liaison Officer - No objections.

Members will be orally updated on any new comments received as a result of the most recent amendments.

Environmental Protection Officer - "Following further consideration and a site visit I feel that a boundary fence of 1.8 [along the northern edge] is a proportionate measure to guard against the minimal night time noise expected at this site. I recommend approval".

Members will be orally updated on any new comments received as a result of the most recent amendments.

Sports, Arts and Leisure Service - This consultation resulted in two responses dealing with two separate elements.

"The SSDC Local Plan policy CR2 currently supports the requirement for outdoor playing space of between 2.4 - 2.8 hectares per 1000 population. There are 31 dwellings proposed on this development. However, as there are 22 existing dwellings and 2 one-bed flats proposed, the net increase in dwellings applicable to SSDC Local Plan Policy CR2 would appear to be 7 dwellings. Based on the average population of 2.32 people per house contained in our Local Plan this would result in an expected net increase in population of 16 people on this development in regard to Policy CR2". Contributions sought for equipped play provision and youth facilities.

"For the purposes of this response, it has been the assumption that there will be a net increase of 9 dwellings on the development site.

South Somerset District Council Local Plan Policy CR2 currently supports the requirement for outdoor playing space of between 2.4 - 2.8 hectares per 1000 population.

Local Plan Policy ST10 supports the Local Planning Authority in seeking obligations to secure or contribute to the provision of community facilities to meet the demands directly stemming from a new development.

Based on Local Plan Policies CR2, CR3 and ST10, the Sport, Arts and Leisure service contributions sought in order to ensure sustainable development are summarised in the attached Planning Obligation Calculator". Contributions sought for playing pitches and strategic community facilities.

Obviously with an amended scheme the recreational infrastructure contributions will be different.

SW Disability Forum - Ensure houses are built to Lifetime Homes policy and comply with part M of the Building Regulations. Accessible parking bays are also required for Blue Badge Holders. The surrounding built environment should also cater for safe access, including dropped kerbs, lighting etc.

Network Rail - Despite being consulted on the original scheme Network Rail has not provided any response.

Wessex Water - Concerns over storm water flow within the existing public foul sewerage system during periods of wet weather. Local soakage should be investigated. Public sewers cross the site.

Technical Services - "Verification that soakaways will work/percolation tests etc to be submitted for approval. If they do not work- surface water attenuation details to be submitted. Details required prior to any start on site".

## **Representations**

Two site notices were erected on site and an advert placed in the local press. In addition local residents were notified in writing. 8 letters were received on the original consultation, a summary of comments include:

- A letter generally in favour of the proposal as it will tidy up a 'very run down' part of the town, although concerns expressed about the safety of children from the town accessing Jubilee Park and children from the new development accessing the town by being forced to walk off-pavement in a narrow and busy road.
- Request from a current resident of Cox's Close (potentially a tenant likely to be re-housed) to include within the scheme a three-bedroom bungalow or large three-bedroom house suitable for the disabled.
- A letter expressing concern about the stability of the land between Cox's Close and Park Road (Site B).
- A letter explaining the pre-cast houses are beyond their lifespan and the proposal to redevelop this area is long overdue.
- A letter concerned over the perceived lack of parking facilities.
- One of the remaining residents (No. 14) whose unit is shown as retained has raised concerns over the housing located in front of the kitchen windows and the loss of privacy. There is also a comment that the wildlife report is dismissive of wildlife known to be on site.



At the time of writing this report no additional comments had been received following the consultation on amended plans and additional information.

## **Considerations**

The key considerations in this case are:

### **-Principle of Development**

Site A is within development limits and therefore the principle of development is acceptable. Site B is outside the development area but is bound by the development area on three sides.

The application has been advertised as a Departure from the Local Plan but the housing proposed on the site is to be affordable housing within the definitions contained with the local plan and national guidance and secured by legal agreement.

The applicant has confirmed that Site B is not being promoted as a Rural Exception Site. In the South Somerset District Council Deposit Draft 1998 Site B is clearly shown as being within the development limits for Bruton so at the time considered suitable for development. Site B was also affected by proposal TP/BRUT/3 that related to the provision of a footpath between Park Road and Jubilee Park.

The development area was amended to exclude Site B and the proposal TP/BRUT/3 omitted as part of the 2004 Proposed Modifications (MOD/12/031). The reason for this Proposed Modification to the Local Plan was as a consequence of a supporting representation made by the Bruton Trust who suggested the land should be used as a wildlife area and educational resource (funded by SSDC, SCC and Bruton TC), however, this did not come to fruition.

Given that the land was included within the Development Limits of Bruton as defined in the adopted Wincanton Local Plan, carried forward into the South Somerset Local Plan Deposit Draft 1998 and only deleted from the Development Area because an alternative use was planned, and not for any strategic reason, it is considered that this is a material consideration in determining whether Site B should be developed solely for affordable housing. A Rural Housing Needs Survey was carried out in the parish of Bruton during the later part of last year (October 2008). It discovered that there was an identified need for affordable housing for respondents to remain living or return to living in the parish and in some cases continue to work in the parish.

The tangible benefits of developing Site B can be recorded as removing an untidy and unsafe site, creating a nicely landscaped area more likely to improve wildlife potential, improving the footpath connection between the lower part of Park Road and Godminster Lane, providing a passing place and therefore easing traffic flows on Godminster Lane and providing needed affordable housing are all acceptable reasons to consider the development of this site as a technical departure from the Local Plan. Given the site is surrounded on four sides by development area and was once allocated as such it seems sensible to take the chance to utilise the site for affordable housing rather than wait for it to be allocated again and lose the opportunity to open market housing.

In addition the whole site is not within a designated Conservation Area but does adjoin it and whilst this does not restrict new build it does mean the development should preserve or enhance the views from and setting of the Conservation Area.

### **-Design and Layout**

The buildings proposed to be demolished on Site A are not of architectural merit. The site does however benefit from a unique relationship to Jubilee Park and the Dovecote.

The site is currently very poorly provided for in terms of pedestrian access and only marginally better provided in terms of access by car. The lack of connectivity and relationship with other residential development has led to an isolated estate, not helped by accommodating poor housing stock.

There has been a desire on the part of the Local Planning Authority to secure a pedestrian footpath link to the area of Godminster Court where the existing footpath ends just to the other side of the railway bridge. The importance of this cannot be understated and the details are included in the Highways/Parking Provision section.

The proposed layout is determined by maximising the site on economic grounds due to funding and grant implications. The existing access point has been retained but the access road realigned and the turning head enlarged.

As a consequence of the applicant being able to secure the previously omitted flat a comprehensive scheme can now be achieved. Whilst not proving critical to the success of the previous scheme in being 'approved' by committee it is infinitely more satisfying to achieve a generic development rather than be forced to plan around a lowly pre-fabricated pair of flats of such a different design. This acquisition has allowed the focus of the scheme to be realigned to create a greater sense of place, a scheme of symmetry and rhythm that gives this development an identity.

The matter of walling materials has been considered following comments previously made by the Town Council and emphasised by members at the Joint Area East committee meeting in February. Whilst natural stone would be the preferred choice this is simply not economically viable for this type of development. Members particularly referred to the hue of colours evident when looking over the town from the Dovecote. It was felt that brick was too stark in contrast to the mellow local natural stone. Although members accepted brick, a review was prompted following the purchase of the flat that would allow a comprehensive development. A meeting was held in Bruton with the agents and a walking tour undertaken, assessing Bruton's character. As a consequence of that meeting and the comments of members and the Parish Council the decision was taken to amend the materials choice to a reconstructed stone of a colouration to match the local natural stone, to be complemented by selected individual rendered properties to act as visual anchors and relate to the use of render/painted brickwork/stonework at Park Way, the High Street, Vineys Yard and Tolbury Mill for example. In addition the use of brick detailing (quoins and window detailing) is responsive to the local vernacular of Bruton.

A significant part of the scheme is the landscaping. Given the rural edge nature of the site and prominent views from the Dovecote, the retention and management of the existing landscaping and the introduction of quality new additions will help soften the development considerably.

#### -Impact on Neighbouring Amenity

There are very few if any real neighbours to Site A. The main considerations are the impact of the redevelopment of Cox's Close on the two remaining units, both flats and the impact of Site B and part of Site A on the bungalows on Park Road.

Plot 1 is situated 14m from the gable end of No. 13 Park Road, and although Plot 1 is proposed as elevated compared to No. 13 there is a suitable gap between which is proposed to be landscaped. The impact on amenity is considered negligible.

Plots 1-5 are also far enough away to avoid any harm to residents at Park Way by way of overlooking.

#### -Highways and Parking Provision

The scheme provides 55 car parking spaces for 34 units, which equates to 1.6 spaces per dwelling. Policy TP7 states the residential car parking guidelines should be 1.5 spaces per dwelling and is therefore in compliance when you consider that several spaces are allocated for visitors.

As stated above Cox's Close is currently very poorly provided for in terms of pedestrian access, not being linked to any other street by a continuous pavement. The original scheme did not include any significant improvements to this situation. Site B does have its difficulties in allowing level access to the public although a valuable footpath will be upgraded. The main gain has been the negotiated pavement link from Site A to the point where the pavement currently ends some 40m to the north at Godminster Court. This does include running the footpath over the railway bridge and slightly realigning the carriageway using all the available space by clearing away roadside vegetation. In order to provide the footpath some third party land is required owned by Network Rail. A Section 106 agreement will be required with Network Rail as a signatory.

The benefits of being able to walk safely into town from the site are huge. Jubilee Park is also very poorly provided for in terms of pedestrian access. As the town's main recreational place and home to the Pavilion (used amongst other things as a pre-school/Nursery) there are many movements to and from this area. Add to the mix the fact that Godminster Lane is also used as a cut through and the road is narrow poorly aligned, means pedestrians are at risk. The proposal does also include creating a focused dropped kerb crossing point opposite the entrance to Jubilee Park.

It must be stressed that the scheme does require third party land but the willingness is there from the applicant to provide this link. Should the Section 106 agreement not be signed then potentially the pavement design would have to change to avoid the third party land or the link removed from the scheme.

Visibility conditions are proposed. A complex phasing requirement exists due to the existence of fragile and elderly tenants and the need to relocate residents within the development has a knock-on effect as to when visibility splays can be provided. The scheme seeks general improvements to existing visibility splays to deal with the extra traffic. The phasing of the development of Site A will therefore require the phasing of the provision of the improved visibility. The intention is that at a point when the numbers of residents increase on Site A the visibility will be upgraded. In terms of construction traffic the requirement for visibility would have to be balanced against the non-existent controls the LPA would have over seeking improvements to visibility if the units were extensively refurbished or simply demolished. It is also envisaged the pavement link would be provided prior to the increase in resident numbers.

#### -Affordable Housing

The scheme includes the demolition of 24 units and the erection of 34. 34 units triggers a requirement for affordable housing. Due to the applicant being a Registered Social Landlord (RSL) the 24 units to be replaced will automatically be designated as affordable units (social rented, shared equity or intermediate). The five units on Site B will all be affordable. From the residual 6 the local plan requires 35% (2) to be designated affordable in addition. This will be secured by Section 106 agreement.

#### -Wildlife

Two wildlife surveys have been undertaken and submitted with an enhancement plan. The ecologist has commented that he is content with the findings of the surveys which show a presence of reptiles and badgers and highlight the need for a survey of the

houses to establish the presence of bats. Further surveys will be required and are secured by condition. The enhancement of Site B may present an added opportunity for wildlife potential.

#### -Drainage

Attention has been paid to the surface water drainage issues; at this stage the brief is to ensure that surface water run-off is no greater than existing. At this stage it is considered that the site can be drained in a way that does not create a negative impact, and a condition will be imposed to secure more information once final detailed plans have been drawn up.

#### -Viability

As with any redevelopment programme for affordable housing the question of viability is prominent. In this case the numerous constraints have made this an awkward site to consider redeveloping for affordable housing. The added costs in this case, including land assembly, all add up to a considerable sum just to effectively provide a few extra houses over the two sites. The Local Plan requires contributions towards local and strategic play and leisure facilities. The viability of the site is finely balanced at the moment which may mean that when the addition of the extraordinary costs of the negotiated footpath for example are added the full play and leisure contribution may not be capable of being fulfilled. When 'consent' is granted detailed viability studies can take place. Members will take comfort that this is an application for a Social Registered Landlord and as such the LPA does maintain an 'open-book' approach should matters like this arise. In such circumstances it could be a matter of prioritisation.

#### -Other

The applicant has requested that conditions are phrased to allow the demolition of properties prior to the agreement over 'pre-commencement' conditions as the properties are currently boarded up and have been somewhat of a magnet for anti-social behaviour. Given the entire Site A is now in the control of the applicant all buildings can be demolished, cleared and the site made secure and safe prior to the commencement of the new development.

Upon consideration of the issues it is concluded this proposal is acceptable.

### **Section 106 Planning Obligation**

The application should be approved subject to the satisfactory completion of a Section 106 Agreement to secure:

- The Pavement Link from Cox's Close to Godminster Court.
- Affordable Housing contributions.
- Sport, Art and Leisure contributions.

### **Recommendation**

Grant permission for the following reason:

01. The proposal represents a rejuvenation of this part of Bruton that respects the character of the wider area, maintains the setting of the Conservation Area and represents an appropriate comprehensive infill development. The development of the area bordered on three sides but outside the development boundary for affordable housing meets a proven local need which additionally improves the landscape quality of the environment and therefore justifies a departure from the South Somerset Local Plan (Adopted April 2006). The proposal is in accordance with the aims and objectives of policies Vis1, Vis2 EN3 of the Regional Spatial Strategy; policies STR1, STR3, STR5, 1,

9, 35 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006) and policies ST1, ST5, ST6, ST8, ST10, EH1, EP1, EC8, HG4, HG7, TP1, TP7, EU4, CR2, and CR3 of the South Somerset Local Plan (Adopted April 2006).

**Subject to the following:**

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following originally submitted plans and specifications:

P10 P3	Location Plan
P100 P6	Combined Sites
P101 P8	Site A - Site Plan
P102 P5	Site B - Site Plan
61203-SK2	Proposed Road Improvements to Godminster Lane (Mayhew Callum)
SK25 P2	Proposed Retaining Strategy
P300 P6	Street Scene
P302 P4	Elevations - Plots 1-7
P303 P6	Elevations - Plots 6-13 (actually plots 8-13)
P304 P6	Elevations - Plots 16-19 (actually plots 14-19)
P305 P6	Elevations - Plots 20-27
P306 P1	Elevations - Plots 28-34
P200 P4	Floor and Roof Plans - Plots 1-5
P201 P5	Floor and Roof Plans - Plots 6-10, 16-17, 20-21
P202 P6	Floor and Roof Plans - Plots 12-15, 18-19
P203 P6	Floor and Roof Plans - Plots 22-31
P204 P6	Floor and Roof Plans - Plots 32-24

Reason: In the interests of clarity to maintain and enhance the visual appearance of the area to accord with policies ST5, ST6, EH1 and EC3 of the South Somerset Local Plan (Adopted April 2006).

03. Prior to the occupation of the seventeenth dwelling on Site A the footway provision shown on plan no. 61203- SK2 shall be fully provided to the satisfaction of the Local Planning Authority unless any deviation from this provision has been approved in writing by the said authority. All work shall be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

04. Following the demolition of existing buildings no works shall be carried out on the approved development unless particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- materials (including the provision of samples) to be used for external walls, roofs and chimneys;
  - material and external finish to be used for all windows and doors;
  - details of all internal and external boundary treatments; and

- d. surface treatments for all parking spaces and garden paths.

Reason: To safeguard the character and appearance of the area to accord with policies ST5, ST6, EH1 and EC3 of the South Somerset Local Plan (Adopted April 2006).

05. Following the demolition of existing buildings no works shall be carried out on the approved development unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, managed and supplemented, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which subsequently die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain the character and appearance of the area to accord with policies ST5, ST6, EH1 and EC3 of the South Somerset Local Plan (Adopted April 2006).

06. Prior to the first occupation of any unit on the entire site a scheme of works and a long-term management plan for the informal open-space/wildlife area (on Site B) shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall thereafter be carried out in complete accordance with the agreed details and be fully completed within 1 year from the first occupation of either Plots 1, 2, 3, 4 or 5 and shall thereafter be maintained in accordance with the management plan unless any variation is agreed in writing by the Local Planning Authority.

Reason: To enhance the character and appearance of the area and provide a potential wildlife habitat to accord with policies ST3, ST5, ST6, EH1, EC3 and EC8 of the South Somerset Local Plan (Adopted April 2006).

07. Following the demolition of existing buildings no works shall be carried out on the approved development unless details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to accord with policies ST5, ST6, EH1 and EC3 of the South Somerset Local Plan (Adopted April 2006).

08. Following the demolition of existing buildings no works shall be carried out on the approved development unless foul and surface water drainage details to serve the development, have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure the site is adequately drained to accord with policy EU4 of the South Somerset Local Plan (Adopted April 2006).

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no dormer windows shall be formed in the dwellings without the prior express grant of planning permission.

Reason: In the interests of residential amenity to accord with policy ST6 of the South Somerset Local Plan (Adopted April 2006).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any front elevation wall of that dwelling house other than those expressly authorised by this permission.

Reason: To improve the character and appearance of the area to accord with policies ST5, ST6, EH1 and EC3 of the South Somerset Local Plan (Adopted April 2006).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian access shall be made from the site directly onto Godminster Lane other than those expressly authorised by this permission.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

12. No works shall be carried out (including any ground works or site clearance) until details of a scheme to avoid harm to reptiles has been submitted to and approved in writing by the local planning authority. Such a scheme should include the results of a survey for the presence of reptiles by a suitably qualified person, at an appropriate time of year (usually April to September), and using appropriate techniques. Unless such a survey concludes with reasonable certainty that reptiles are unlikely to be affected, then details of the scheme should include:

Methods for the safe trapping and translocation of reptiles from areas where they're likely to come to harm from construction activities.

Identifying refuge or reception areas for reptiles and providing protection to these areas from construction activities.

Methods for preventing reptiles from re-entering areas where they are likely to come to harm from construction activities.

Provision of information to all construction personnel about the scheme, including nature conservation and legal implications.

Reason: In the interests of protecting a legally protected species to accord with policy EC8 of the South Somerset Local Plan (Adopted April 2006).

13. No works shall be carried out (including any demolition) until and bat and bird survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain to a reasonable degree of certainty, the likelihood of presence and impact to bats and birds, or any other protected species that may be affected. The survey shall be undertaken by an appropriately qualified person (preferably a licensed bat consultant) at an appropriate time of year and using techniques and equipment appropriate to the circumstances. In the event of the above survey(s) concluding any potential impact to bats or other protected species, or significant impact to birds, full details of a mitigation plan containing

measures for the avoidance of harm, mitigation and compensation, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation plan shall be based upon an up to date survey(s) (usually no older than 12 months). The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting a legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (Adopted April 2006).

14. If the development hereby approved does not commence within the period of one year from the date of the last survey pursuant to the condition above, and any corresponding approved mitigation plan, a further survey and mitigation plan, compliant with the condition above, shall be commissioned to ascertain any changes in bat and bird presence or impact, and submitted to the Local Planning Authority for prior written approval before work commences.

Reason: In the interests of protecting a legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (Adopted April 2006).

15. There shall be no obstruction to visibility greater than 300mm above adjoining road level within the splay areas having co-ordinates of 2.4m x 33m at the junction of the proposed estate road with Godminster Lane. The visibility splay in the northerly direction shall be provided within 3 months from the commencement of works on the approved development on Site A (excluding demolition) and the southerly visibility splay shall be provided prior to the occupation of the of the seventeenth dwelling on Site A. Such provision shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

16. There shall be no obstruction to visibility greater than 600mm above the level of the carriageway within the splay areas having co-ordinates of 2.4 x 33m either side of the vehicular access to the parking areas for Plots 1 to 5. This provision shall be made within 3 months from the commencement of works on Site B and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

17. The proposed estate road, footways, footpaths, tactile paving, lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is served by an adequate means of access to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).



18. The proposed roads, including internal site footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

19. All parking spaces shown on the approved plan and access thereto shall be fully provided and marked out to the satisfaction of the Local Planning Authority prior to first occupation and thereafter kept clear of obstruction and not used other than for the parking of vehicles in connection with the development hereby permitted or for the purpose of access.

Reason: To ensure the development is served by an appropriate number of parking spaces as to avoid unnecessary on-street parking to accord with policy TP7 of the South Somerset Local Plan (Adopted April 2006) and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

20. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority prior to the development hereby permitted first being brought into use.

Reason: To ensure that the highway is adequately drained to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

21. A scheme of street lighting shall be installed along the new estate road in accordance with a design and specification to be approved in writing by the Local Planning Authority. The agreed scheme shall be provided prior to the occupation of the seventeenth dwelling on Site A.

Reason: To ensure that the highway is adequately lit and the safeguard the rural nature of the site to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006) and policies EH1 and EC3 of the South Somerset Local Plan (Adopted April 2006).

22. Prior to the first occupation of individual units fully sheltered lockable cycle parking facilities shall be provided within the site in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and these shall thereafter be maintained.

Reason: To ensure the development is served with adequate cycle storage provision to accord with policy TP3 of the South Somerset Local Plan (Adopted April 2006).

23. Any existing pedestrian or vehicular access points onto Godminster Lane not subsequently approved by the application hereby permitted shall be stopped up, its use permanently abandoned and the verge/footway crossings reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within three months of the new vehicular access hereby permitted being first brought into use.

Reason: To ensure the development is served by the access points approved only in the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2006).

**Informatives:**

01. The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager at Somerset Highways, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil (0845 3459155). He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
02. The development shall not be commenced until the public highway which will be affected thereby has been stopped up or diverted in accordance with either:-
  - (i) an Order made by the Secretary of State for the Environment under Section 247 and 257 of the Town and Country Planning Act 1990; or
  - (ii) an Order made by a Magistrates' Court under Section 116 of the Highways Act 1980 or Section 119 of the Highway Act 1980.
03. The applicant is advised that the Highway Service Manager, at Somerset Highways, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil (0845 3459155) must be consulted with regard to the required reinstatement of the verge/footway crossings which are to be closed.
04. The surface water scheme shall be designed so that new discharge is no greater when the site is developed to that in its existing state.
05. The recommendations of the two wildlife reports (Michael Woods Associates - August 2006 and January 2009) shall be fully implemented.