

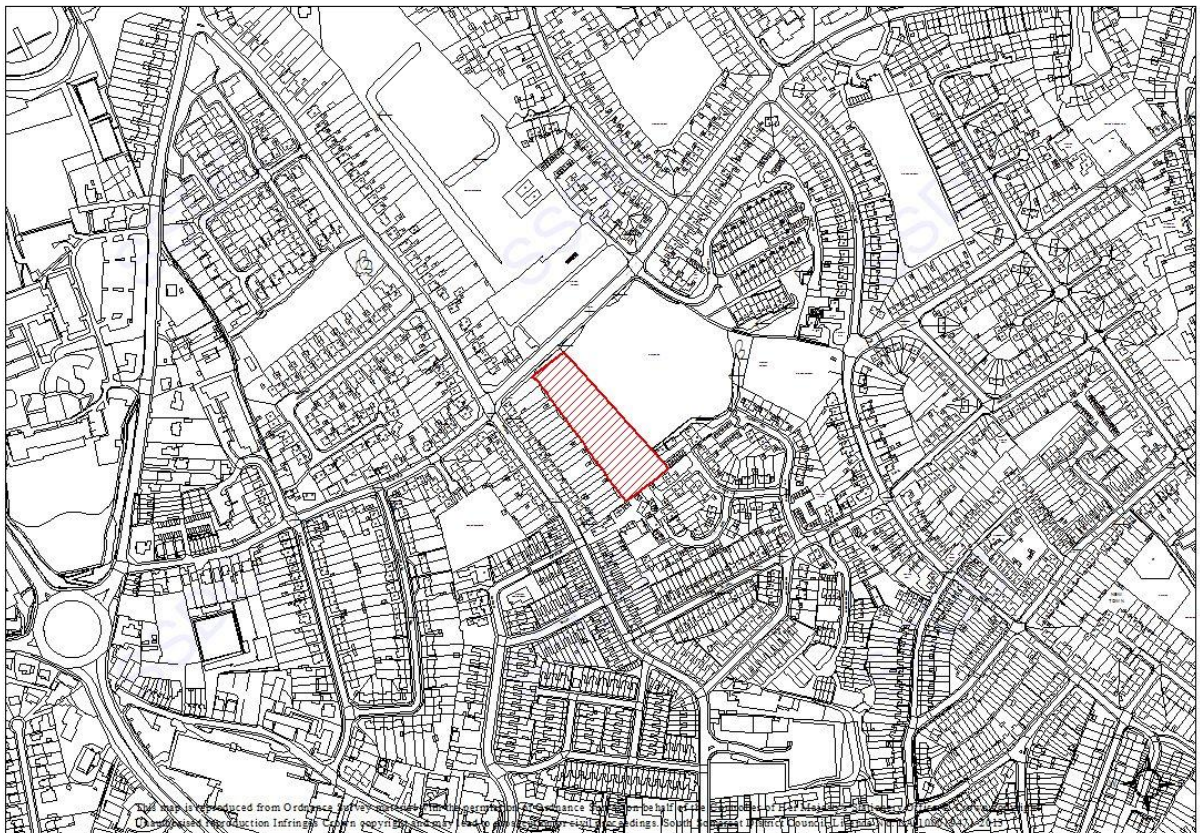
### Officer Report On Planning Application: 13/00541/OUT

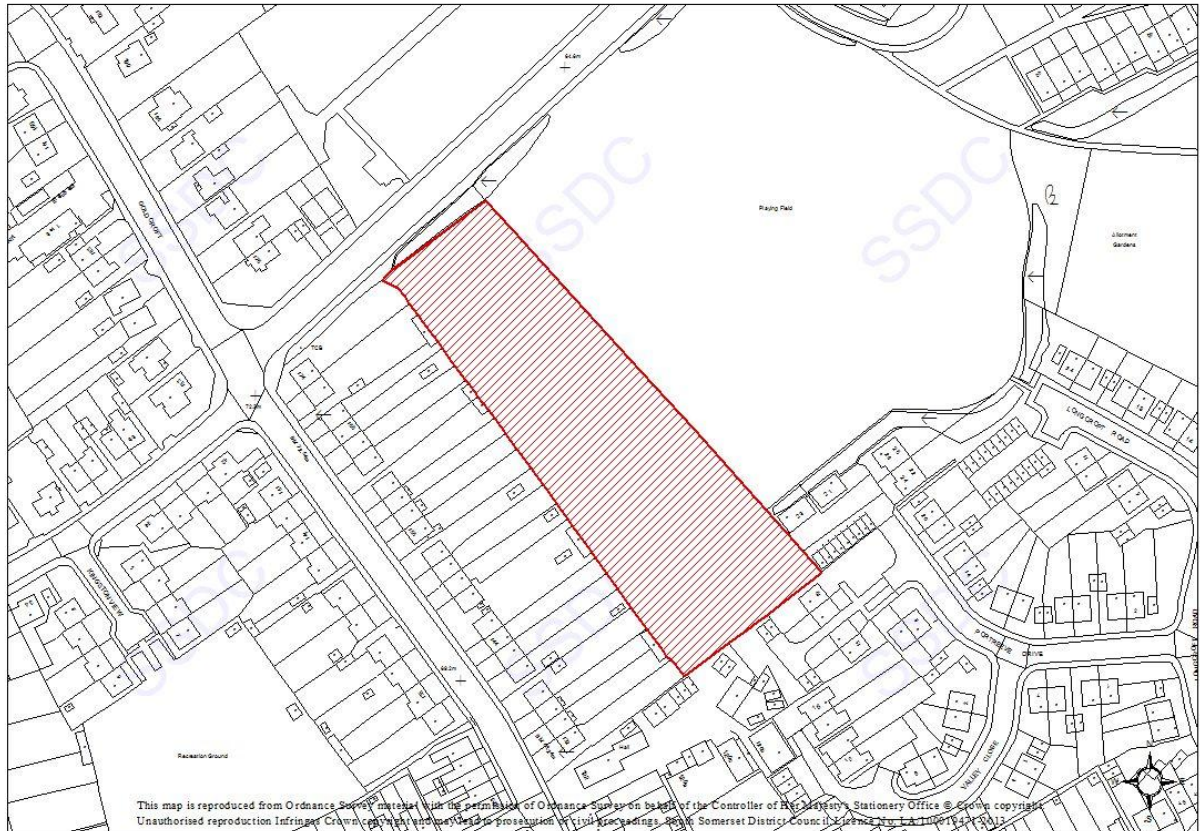
<b>Proposal :</b>	Application for the renewal of extant permission 05/01416/OUT for the residential development of land (GR 355762/116772)
<b>Site Address:</b>	Goldcroft Allotments Milford Road Yeovil
<b>Parish:</b>	Yeovil
<b>Yeovil (Central) Ward (SSDC Member)</b>	Cllr J Vincent Chainey Cllr A Kendall Cllr P Gubbins
<b>Recommending Case Officer:</b>	Andy Cato Tel: (01935) 462015 Email: andy.cato@southsomerset.gov.uk
<b>Target date :</b>	8th May 2013
<b>Applicant :</b>	Yeovil Town Council
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

#### **Reason for Referral to Committee**

The application is reported to Committee for a determination on the advice of the Councils Solicitor as the Ward Members are members of the Yeovil Town Council.

#### **Site Description and Proposal**





The application site extends to some 150m in length immediately to the rear of a row of 22 houses - numbers 132 to 174 Goldcroft. The site has a 40m frontage onto Milford Road and adjoins, to the east, playing fields off Milford Road. The site amounts to 0.668 hectares (1.6 acres) and comprises a long disused former allotment site.

The application site includes a long narrow hardened track providing vehicular access onto Milford Road for the 22 houses facing onto Goldcroft. These existing houses, their rear gardens and the trackway occupy level and higher ground: the application site falls steeply down from the track towards the playing field site and has an unkempt overgrown untidy appearance in use for fly-tipping.

This application is for the renewal of extant outline planning permission, reference 05/01416/OUT – A permission for residential development of the site with all matters of detail left for subsequent reserved matters approval. The application is accompanied by a location plan on which the site is identified outlined in red and a copy letter from the Government Office of the South West dated 22nd July 2004 which consents to the sale of the site under the terms of the 1908 Allotments Act. Further, additional information supplied includes a written brief "assuming" a development of 30-35 terraced housing and a plan detailing the provision of an access onto Milford Road.

The 2005 outline application was reported for a refusal to the Area South Committee 2005. In resolving to approve the application members required the prior completion of a planning obligation to secure 35% affordable housing provision. The applicant completed the agreement in 2010 and the outline permission was then issued subject to 15 conditions.

## **HISTORY**

45412 - Use of land for tipping of refuse - Approved 1959.  
72129 - Raising of land by tipping earth and hardcore - Approved 1965.  
42964 - Erection of garages - Refused 1964.  
05/01416/OUT - Residential Development (Outline) - Approved 23.07.10.

## **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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.  
The policies of most relevance to the proposal include:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development  
ST6 - The Quality of Development  
ST9 - Crime Prevention  
ST10 - Planning Obligations  
EC8 - Protected Species  
EP5 - Contaminated Land  
TP1 - New Development and Pedestrian Movement  
TP4 - Road Design  
TP7 - Car Parking  
HG1 - Provision of New Housing Development  
HG4 - Density  
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development  
CR3 - Off - site provision for Outdoor Playing Space and Amenity Space in New Development  
CR12 - Development of Allotment Sites

National Planning Policy Framework - March 2012

Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 8 Promoting Healthy Communities

## **CONSULTATIONS**

Yeovil Town Council:  
Applicants.

SSDC Contaminated Land Officer:

The site is on or near to the Follyfields Landfill site and a condition imposed on the 2010 outline planning permission calling for a site investigation and any necessary remediation works to be undertaken should be carried forward.

**SSDC Community, Health and Leisure Service:**

Originally sought a financial payment toward outdoor playing space, sport and recreation through a planning obligation as follows:- for each 1 bed property a sum of £2,464.75 and a sum of £5,317.89 per 2 bed or greater. A schedule identifying where this money is likely to be spent had been supplied in this connection. However, following advice from the Councils Solicitor this request was withdrawn (see conclusions below).

**SSDC Ecologist:**

No objections. Notes that local residents have referred to badgers, slow worms and Great Crested Newts being present. With regard to slow worms he advises that these may be present but due to the habitat they are likely to be in moderate numbers. A condition is proposed to carry out a site investigation and any necessary mitigation required necessary. With regard to badgers he advises that the site is likely to be used for badger foraging but as the site is relatively small in relation to typical badger territory sizes its loss for such purposes would not be significant. A condition is proposed to carry out a site survey and any necessary mitigation. There is no evidence of Great Crested Newts.

**SCC Highways:**

Advise that whilst an objection had initially been registered against the original application this changed to a recommendation of no objections on receipt of detailed plans which demonstrated that a safe access could be formed and that it could be considered for adoption by the Highway Authority at some later date. This additional information has now been submitted to form part of this application of renewal and the Highway Officer advises: "As such I consider that it would be unreasonable to now raise an objection to the current application, nor raise any additional concerns that were clearly considered by my predecessor before he made his final recommendation to the LPA, although it will be necessary to ensure that an additional condition is attached to any consent referring to parking levels on the site being provided in accordance with the latest SCC Parking Strategy dated March 2012" .

Neighbours: Forty six (46) neighbouring properties have been consulted and invited to comment on the application. An advertisement has been placed in the local newspaper and a notice displayed on the site. Three letters have been received from local residents all raising objections to application and referring to:

- The site is used by foxes, hedgehogs, badgers and Great Crested Newts.
- Access is onto a very busy road (Milford Road) which has traffic parking on both sides. Another entrance for more houses will add to an already busy road and more houses will add to an already highly populated area.
- The existing track to the old allotments is also the access to the existing houses and garages.

**CONSIDERATIONS**

Outline planning permission reference 05/01416/OUT for the residential development of the site, with all matters of detail reserved, was approved in 2010 and has not yet expired; this current application seeks a renewal of that permission. The original application was reported for refusal to the Area South Committee in August 2005. The

officers report referred to unresolved issues in respect of the provision of a safe means of access and to the potential loss of the rear access track to the existing properties off Goldcroft. The recommended for refusal was however solely on the basis that the proposal failed to meet the requirements of Local Plan policy CR12 - that an alternative replacement allotment was not to be provided. Members supported the application and referred the decision to the Regulation Committee who approved the application subject to the prior completion of a planning obligation to secure 35% affordable housing and the imposition of planning conditions to require, inter alia, the provision of a pedestrian crossing and bus stops on both sides of Milford Road and an alternative route being created through the site to provide access to the rear of the houses off Goldcroft.

The planning policy stance since the determination of the 2005 application has not materially changed: there is still a presumption against the loss of valued local facilities and services and local plan policy CR12 is still in place. In terms of "material considerations" the site is in a disused and untidy state, was last in use as an allotment in October 2002, and is subject of an extant permission for a residential development. In terms of local plan policy CR12 the applicant advises:

*The allotments in question are not necessary and are surplus to requirements and no ploholders will be displaced as there are no tenants on site.*

*I can confirm that this is still the case and, to give the wider picture, would confirm that a total of 8 allotment plots are currently available to let on 5 of the Town Council's allotment sites.*

*There are currently 12 persons on the waiting list for an allotment plot, all of whom have expressed a preference for a particular site(s) and are prepared to wait until a plot becomes available on a site of their choice rather than take up one of the currently available plots. Consequently, all demand for a plot can be met, and the proportion of vacant plots immediately available to applicants wishing to take up a tenancy is currently 2.5% of the overall provision.*

*The Council has 326 allotment plots on 11 sites - 318 of which are currently let. The total number of plots is well in excess of the minimum provision advocated by the Thorpe Report of 1969, which suggested that the "irreducible minimum provision" should be 15 plots to 1,000 households. In the case of Yeovil Town, this equates to 204 plots. The Town Council's current provision is 60% above this figure.*

*The National Society of Allotment and Leisure Gardeners (NSALG) currently considers the irreducible minimum to be 20 plots to 1,000 households, which in the case of Yeovil Town, equates to 272 plots. Again, the number of plots provided by the Town Council exceeds this figure - by 20%.*

*A national survey carried out in 2009 in conjunction with the NSALG, which was updated in 2010, found that the average number of people waiting for an allotment plot was 58 per 100 plots. In Yeovil Town, the current figure is significantly (93%) below this figure at 4 per 100 plots all of whom could take up a plot immediately, but have declined to do so as they are prepared to wait for a plot of their choice to become available*

In all the circumstances of this case it is not considered that an alternative area of replacement allotment land can be called for and that accordingly an exception to local plan policy CR12 is justified as applied previously.

#### OTHER MATTERS.

As applied with the original 2005 submission issues relating to the provision of a safe means of access onto Milford Road the future retention of the existing rear accessway to the properties off Goldcroft and a possible wildlife interest have been raised again.

The applicants had commissioned a report from a firm of Traffic Consultants in 2005 and this has now been resupplied with this application of renewal. This demonstrates that a safe and adoptable means of access onto Milford Road can be formed and, in addition, that the rear access serving the Goldcroft properties can be retained in full. As in 2005 the County Highway Authorities initial objection has been withdrawn and they now have no objections to a renewal. Conditions attached to the 2005 approval require the submission for approval of a scheme to provide a new bus stop on either side of Milford Road and for the provision of a pedestrian crossing also on Milford Road. These concern works on land (the highway) not in the control of the applicant and should therefore be the subject of a planning obligation and not a planning condition. The planning obligation will also concern the matter of affordable housing (35%). The wildlife interest has been re-examined by the Councils Ecologist and he is still satisfied that any potential interest is minimal and that the planning conditions imposed on the original outline approval can be carried forward. Contributions towards off site leisure and recreation facilities were sought by the Councils Community, Health and Leisure Officer further to saved local plan policy CR3. The applicants challenged this on the basis that this current application seeks a renewal and such contributions were not required under the original, and still extant, 2005 planning permission. The Councils Solicitor has been consulted in this matter and agrees, advising that this issue was not considered necessary at the time of the original submission and that in the meantime there has been no change in the planning circumstances.

## **RECOMMENDATION**

That application 13/00541/OUT be approved subject to:

(a) the prior completion of a section 106 planning obligation (in a form acceptable to the Councils Solicitor) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:

- (i) The provision of 35% affordable housing.
- (ii) Prior to the occupation of any dwelling, the provision of new and upgraded public transport infrastructure on both sides of Milford Road close to the development site in accordance with details to be approved by the County Highway Authority.
- (iii) Prior to the occupation of any dwelling, the provision of new and appropriate pedestrian crossing close to the development site in accordance with details to be approved by the County Highway Authority.

01. The proposal, in outline, by reason of its location and its juxtaposition with existing built form represents appropriate infill where a development could result that would not cause demonstrable impact upon residential amenity or upon the character and appearance of the area, subject to the approval of Reserved Matters and would not foster growth in the need to travel, in accordance with the aims of objectives of the National Planning Policy Framework and policies ST5, ST6, ST10, EC8, TP1, TP4, TP7, HG1, HG4, CR2, CR12 and EP5 of the South Somerset Local Plan.

## **SUBJECT TO THE FOLLOWING:**

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

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

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

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

03. Approval of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The submitted details are indicative only and do not form part of the application and nothing in this permission shall be construed as giving approval to the details shown on the plan accompanying the application hereby approved.

Reason: To avoid doubt as to the development authorised and to accord with saved policies ST5 and ST6 of the South Somerset Local Plan.

05. No works shall be undertaken unless details of 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 properly drained and to prevent the pollution of the water environment and to accord with saved policies ST5 of the South Somerset Local Plan.

06. No works shall be undertaken unless details of a safe and appropriate means of access (including visibility splay, geometry and alignment) has been constructed in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

07. The development hereby permitted shall not be occupied until a footway/cycleway link has been constructed linking to Valley Close to the south east of the site and/or the playing field to the north east of the site, in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said authority.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

08. The existing vehicular access to the west of the site frontage (serving the rear of properties in Goldcroft) shall be stopped up, its use permanently abandoned and the footway crossing reinstated, with an alternative route being created through the development site in accordance with details which shall have been submitted to an approved in writing by the Local Planning Authority. Such works shall be completed concurrently with the new vehicular access hereby permitted first being brought into use.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

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

Reason: In the interest of highway safety and in accordance with saved policy ST5 of South Somerset Local Plan.

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

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

11. No works shall be undertaken until:

a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information:

b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways, and receptors should be produced.

c) A site investigation should be designed for the site using this information and any diagrammatical representation (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:



- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.

e) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To prevent the pollution of the water environment and to accord with saved policy EP5 of the South Somerset Local Plan.

12. No works shall be undertaken (including any ground works or site clearance) until details of a survey and mitigation scheme to avoid harm to slow worms and badgers has been submitted to and approved in writing by the Local Planning Authority.

Such a scheme should include a survey for the presence of slow worms and badgers by a suitably qualified person, at an appropriate time of year (usually April to September for slow worms). and using appropriate techniques. Unless such a survey concludes with reasonable certainty that slow worms or badgers are unlikely to be affected, then details of the scheme should include:

For slow worms:

- Methods for the safe trapping and translocation of slow worms from areas where there are likely to come to harm from construction activities.
- Identifying refuge or reception area for slow worms and providing protection to these areas from 'construction activities'.
- Methods for preventing slow worms from re-entering areas where they are likely to come to harm from construction activities'.

For badger:

- Provision to allow badgers continued safe access to main foraging/feeding area.
- Retention of main setts (or in rare cases provision of alternative artificial setts) and measures to ensure disturbance is kept to a minimum.

For both:

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

Resurvey after 12 months:

If the development does not commence within the period of 1 year from the date of the most recent wildlife surveys, then a further survey shall be commissioned to ascertain any changes in slow worm or badger presence or activity before work commences.

Such surveys shall be submitted to the Local Planning Authority and approved in writing before work commences along with any further mitigation proposals that may be necessary as a result any significant changes in slow worm or badger activity.

Reason: For the protection of a legally protected species to accord with saved policy EC7 of the South Somerset Local Plan.

**Informatives:**

01. Having regard to the powers of the Highway authority under the Highways Act 1980, the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Somerset County Council, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil BA22 8RT. Application for such Permit should be made at least three weeks before access works are intended to commence.
  02. The applicant is advised that the Highway Service Manager, Somerset County Council, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil BA22 8RT, must be consulted with regard to the required reinstatement of the verge/footway crossing at the access, which is to be closed.
  03. It is recommended that the developer investigate the use of the Sustainable Drainage Systems (SuDs) for the surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:
    - a) Interception and refuse
    - b) Porous paving/surfaces
    - c) Infiltration techniques
    - d) Detention/attenuation
    - e) Wetlands
-