

# **APPENDIX – COPY OF THE 2019 REPORT**

## **Officer Report On Planning Application: 18/01311/OUT**

<b>Proposal :</b>	Outline planning application with all matters reserved aside from access for the erection of up to 35 dwellings and associated works (resubmission of 17/04239/OUT).
<b>Site Address:</b>	Land OS 4538 The Pound, Broadway Road Broadway TA19 9RA
<b>Parish:</b>	Broadway
<b>NEROCHE Ward (SSDC Member)</b>	Cllr L P Vijeh
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	25th July 2018
<b>Applicant :</b>	Mr Nick Warfield
<b>Agent: (no agent if blank)</b>	Mr Matthew Halstead, Alder King Planning Consultants, Pembroke House, 15 Pembroke Road. Clifton, Bristol BS8 3BA
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

### **REASON FOR REFERRAL TO REGULATION COMMITTEE**

The application was considered on the 12th December 2018 by the Area West Committee. Members were minded to refuse the application for the following reason:

The proposed development by reason of its location and scale on a greenfield site at the edge of the village would result in a significant adverse landscape impact and be harmful to the character and appearance of the village, contrary to policies SD1 and EQ2 of the South Somerset Local Plan.

Since the meeting of the Area West Committee, a response has been received from the Case Officer, Strategy and Commissioning, in respect of play facilities. A total of £55,406 has been requested. This shall be split between the enhancement of equipped play facilities in Broadway (£29,708 with £17,160 commuted sum) and towards the provision of youth facilities in Broadway (£5,833 with £2,157 commuted sum).

In addition, the agent has submitted a short addendum from the landscape consultant to his landscape appraisal that was submitted with the original application. Whilst only indicative at this stage, the landscape strategy drawing has been revised to include additional buffer planting to the north of the site, where the open space buffer is proposed to the surrounding landscape. This has been submitted to provide a more vegetated transition from the proposed development to open countryside to the north and will supplement the retention of the mature hedgerow boundaries and proposed additional landscaping.

The original officer report as considered by the Area West Committee is included in full below.

### **REASON FOR REFERRAL TO AREA WEST COMMITTEE**

The application is referred to Area West Committee at the request of the Ward member and in agreement with the Chair in order for a full discussion of the planning issues raised by this

development.

## **SITE DESCRIPTION AND PROPOSAL**

The site is located towards the north western side of Broadway, on the northern side of Broadway Road at its junction with Pound Road. The site comprises 1.73 hectares and is currently grassed and has been used to graze sheep. Mature hedgerows run around the boundary of the site along with a number of mature trees. A woodland copse is located to the south eastern corner. Residential properties front Broadway Road to the east of the site with 1 property adjoining the site. Additional residential properties then continue along Hare Lane to the west of the site on the other side of Pound Road. Fields adjoin the site to the north with a further field to the south.

The application seeks outline consent for the erection of up to 35 dwellings with only access being sought for approval at this stage. All other detailed matters in regard to layout, scale, appearance and landscaping will be submitted at any subsequent reserved matter stage. This application follows a previous outline application for 46 dwellings which was withdrawn following concerns raised in regard to the scale of development, harm to the character and appearance of the area, harm to ecological interests, impact on trees, and highway and pedestrian safety issues.

This revised scheme will provide 35 dwellings of which 35% (12 units) will be affordable units. A range of 2, 3 and 4 bed units will be provided along with five bungalows. The indicative layout plan has amended the earlier scheme by pulling dwellings away from the full extent of the northern boundary. The existing boundary hedgerows and trees will be maintained other than a small section of hedgerow removal to provide the access point from Broadway Road and the internal road to serve the properties in the smaller field. Additional supplemental planting will also be undertaken in certain sections both within and along the boundaries of the site. An attenuation pond will be located in the north east corner of the site along with a bat roost.

The small copse to the south east, whilst outside of the application site, will be retained and maintained by the applicant who is the current owner, as a landscape feature and for ecological benefit.

The application has been supported by a range of updated and revised supporting documents. These include the following:

- Archaeological and Heritage Assessment - April 2018;
- Design and Access Statement - April 2018;
- Flood Risk Assessment and Drainage Strategy - April 2018;
- Landscape and Visual Appraisal - April 2018;
- Landscape Strategy Drawing (1264-01 Rev B);
- Phase I Ecological Appraisal - April 2018;
- Phase I Geo Environmental Assessment
- Planning Layout Drawing (7854 SK004C);
- Site Location Plan;
- Topographical Survey;
- Tree Constraints Survey and Arboricultural Impact Assessment - April 2018;
- Transport Statement and Road Safety Audit - April 2018;
- Planning Statement - April 2018
- Technical Transport drawings:
  - Proposed Site Access Arrangements - Drg. No. 03;
  - Proposed Site Access - Swept Path Analysis - Drg. No TR02;

- Proposed Footway link to the village - Drg. No. 13;
- Proposed Gateway Feature on Pound Road - Drg. No. 14;
- Swept Path Analysis for a Refuse Vehicle - Drg. No TR04;

## **HISTORY**

17/04239/OUT - Outline application with all matters reserved aside from access for the erection of up to 46 dwellings and associated works (application withdrawn).

## **POLICY**

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

Relevant Development Plan Documents

South Somerset Local Plan (adopted 2015)

SD1 - Sustainable Development

SS1- Settlement Strategy

SS2 - Development in Rural Settlements

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, outdoor playing space, sports, cultural and Community Facilities in New Development

EQ2- General Development

EQ3 - Historic Environment

EQ4- Biodiversity

Other Relevant Material Considerations

National Planning Policy Framework (2018)

Chapter 2 - Achieving sustainable Development

Chapter 5 - Delivering a sufficient supply of homes

Chapter 12 - Achieving well designed places

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

Somerset County Council Adopted Highway standards.

Broadway Housing Needs Survey 2016.

## **CONSULTATIONS**

### **Broadway Parish Council**

Officer comment.

The Parish Council have strongly objected to the scheme and have submitted a 9 page letter to the officer. The full response is attached as an appendix to this report. The main topics/areas of concern and conclusion are covered below:

- Impact on the integrity and character of the village

- Relevance of the 5 year housing land supply
- Housing need
- Sustainability and social benefits
- Inappropriateness of the site
- Design
- Highway issues/ Road safety
- Economic benefits

### **Conclusion**

Paragraph 4.2 of the applicant's Planning Statement succinctly sets out the aspiration for the proposed development as creating "a sustainable extension to the existing settlement with a scheme that maintains a traditional architectural style which respects the character of the settlement of Broadway."

Broadway Parish Council believes that the application fails its own test. It believes that the development would be:

1. an anomalously large block of housing adjacent to an otherwise linear stretch of single dwellings in Broadway Road and Hare Lane;
2. a visible group of 2-storey dwellings out of scale with the neighbouring bungalows and the village at large;
3. an incongruous and visible addition to the landscape, particularly in winter;
4. a stylistically unconvincing and incongruous mixture of modern and traditional tropes unrelated to nearby dwellings or to the older, traditional buildings at some distance from it;
5. a wholly disproportionate contribution to meeting District housing needs for a village of its size and one which would accelerate the already excessive urbanisation of the Broadway;
6. a precedent for further large-scale housing developments in the village based on a District-wide housing need and not local demand;
7. liable to increase serious and unresolved concerns about road safety at the Broadway Road/Hare Lane crossroads;
8. unsustainable in respect of local transport;
9. of no significant long-term benefit to the village economy;
10. counter to the clear wishes of the village as expressed in the 2016 Broadway Housing Survey and the meeting on 19 June 2018;
11. and, in respect of those aspects which might otherwise have merit, including the creation of a pathway along Broadway Road, measures to calm traffic on Pound Road, provision of an area of public open space, a contribution to housing mix and the availability of affordable housing, insufficiently compelling to outweigh the many detrimental aspects referred to above.

The Parish Council therefore objects to the planning application. The Council would wish to put these points directly to the Planning Authority at the relevant meeting to consider the application.

### **Highway Authority: (summary of original response)**

The HA refer to their response to the previous application where an objection was raised due to increased use of a substandard junction (Pound Road and Broadway Road) and safety issues for pedestrians due to the lack of footway provision on Broadway Road. In regard to the revised scheme, have noted the reduction in housing numbers, and the subsequent lower numbers of vehicles using the junction.

Have questioned whether the applicant will be able to maintain the required visibility splays on the opposite side of the road at the junction as it is outside of the applicant's control/ownership.

No objection to the proposed new access into the development. Parking provision at 113

spaces is slightly below optimal standards. Advice given in terms of the internal road and layout.

If approval granted, conditions in regard to the vehicular access, footways, submission of a Traffic Management Plan and advisory notes in regard to entering into the suitable legal agreement with the HA for highway works have been recommended.

Officer comment: Following receipt of the above response, the case officer sought clarification from the Highway Authority as to the reason for their change of position in regard to the impact of the development on the Pound Road/Broadway Road junction. The principle concern was that the full splay could not be provided without the hedgerow being regularly cut back on land which is outside of the applicant's control. The applicant's highway consultant outlined that the revised scheme had reduced the number of dwellings from 46 to 35, thus reducing traffic flows; the introduction of gateway features on Pound Road would help reduce the speed of traffic; and that only minor trimming of the existing hedge to the south is required to achieve an appropriate visibility splay.

In addition to the agent's response, the Highway Authority were satisfied that the hedgerow was within their control and agreed to monitor that the hedge is regularly cut. Moreover, the Highway Authority did not consider that the additional number of vehicles generated by this development would result in a severe impact, ie the test set by the NPPF.

Notwithstanding the above, the case officer still retained concern that the visibility being provided was not sufficient as it did not meet the splay required for the actual speeds along Pound Road. A site meeting was convened with the Highway Authority, agent and the applicant's highway consultant to discuss the concern about visibility at the junction. It was agreed that a section of the highway verge on the left hand side as one emerges from Broadway Road would be reduced in height to no more than 300mm, levelled and grassed.

**Highway Authority: (revised response following site meeting)**

After our site visit at the beginning of September, the Highway Authority still does not wish to raise an objection to the planning application and our previous comments and recommendation would still apply, as would the conditions that were set out in the letter from the Highway Authority dated 18 June 2018.

**Ecologist: (summary)**

Referred to and attached his response to the original application which remains largely relevant to this revised proposal. Previous concerns included impact on dormice and that the applicant hadn't adequately demonstrated that the Habitat Regulations would be met.

Note the indicative layout for smaller number of houses with an area of open space in the north of the site which gives greater scope for compensation planting. A revised ecological report sought to address previous concerns raised. The Ecologist doesn't agree with all of its conclusions and mitigation proposals, particularly in regard to impact of road fragmentation and the need for supplementary thorny planting. Improvements for dormice mitigation can be achieved via widening hedges with new planting alongside. However, notwithstanding those issues, and an adverse impact on dormice, the scale of such impact is low and localised and adequate mitigation and compensation can be provided within the site.

No objection is raised to the principle of development. If approved strongly recommends further dormouse mitigation is provided as part of any reserved matters application.

**Somerset Wildlife Trust:**

Have noted the very comprehensive Ecological Assessment provided by Ethos Environmental Planning. We fully support the findings of the Assessment and are very

pleased to see the wide ranging Recommendations for Mitigation and Enhancement as contained in Section 10 of the Assessment. We would request that all of those Recommendations are included in the Planning Conditions and implemented in full if it is decided to grant Planning Permission.

**Tree Officer: (summary)**

Noted the minor revisions to the attenuation pond details and tree protection measures which are satisfactory. Landscape details are only indicative at this stage and would encourage a more detailed scheme. No objections are raised subject to 2 conditions in regard to tree and hedgerow protection prior and during construction, and a landscape condition.

**Housing Development Officer: (summary)**

Seek 35% affordable housing, equating to 12 units, with a split of 80:20 social rent: intermediate product. This would provide 10 social rent and 2 shared ownership. A mix of 3no x 1 bed house/bungalow, 6no x bed house/bungalow and 3no 3 bed house. Recommends that the units are pepper potted throughout the site. Recommended space standards are also provided along with a phased delivery of the units.

**County Archaeologist:**

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

**Wessex Water: (summary)**

No objection raised.

Foul drainage - there is current capacity in the local foul sewer in Broadway Road to accept the predicted flows. Advice given about connection.

Surface water drainage - surface water to be disposed via SuDS with an attenuation basin and discharge to local land drainage systems. Will need approval from the Lead Local Flood Authority.

Water infrastructure - Developer will need to agree point of connection onto Broadway Road and Pound Road.

**Lead Local Flood Authority (LLFA): (summary)**

No objection subject to a drainage condition. The LLFA have advised that they wish to see a commitment to further SUDS features as part of detailed design process.

**REPRESENTATIONS**

29 letters/emails have been received objecting to the scheme raising the following points:

- Development will harm the character and appearance of the area
- Loss of green space between main village and Hare Lane properties.
- It will be an eyesore at the entrance to the village
- No pedestrian paths at the start of Broadway -this should be addressed
- Additional speeding traffic on Pound Road has not been addressed.
- Increased levels of traffic will increase accident risk at the junction of Pound Road and Broadway Road.
- Increased traffic through village
- Traffic calming measures needed
- Congestion around the school
- Lack of parking
- Poor visibility at the junction
- New footpath but none proposed beyond Croft farm - no footpath for a further 0.5 mile into the village
- Starting point for new footpath would be unsafe.

- Footpath would result in loss of scenic verge
- Blocks of flats will look into garden with loss of privacy
- Apartments inappropriate
- Views will be lost
- Number of dwellings should be reduced / 20 would be a maximum
- Scheme too dense
- Single storey only to respect character of village and client demographic
- Overdevelopment of site and not in keeping with adjacent properties.
- Broadway has taken sufficient dwellings in recent years - Tanyard and Vardens Farm - no need for additional housing
- Contrary to Policy SS2
- adverse impact on ecology
- lack of amenities in the village nor public transport
- lack of employment opportunities
- question extent of public consultation
- Local school at capacity and other services would be overstretched
- Reduction in numbers of dwellings does not alleviate previous concerns
- Questions the argument that construction work would bring employment to the area - only temporary and come from outside the area.
- Drainage/flooding/sewerage concerns
- Light pollution

15 letters/emails have been received supporting the proposal. The main points are as follows:

- Happy that the village is considered a growing place where development can take place
- Provide affordable housing and increase new properties for local people
- Small clusters of new housing does not deliver affordable housing rather expensive new homes that local people can't afford. The village has many people that wish to stay or return to the village but have been unable to do so due to lack of available /affordable properties.
- Real concern about children and grandchildren being able to continue living in the village due to lack of affordable housing
- Additional residents brings possibility of more small businesses being created.
- Development will help maintain and sustain current services/amenities and may help towards a viable bus service.
- Neroche school is not full, there are spaces.
- Site is attached to the village and an ideal location
- Hare Lane currently has 34 properties and this is an infill site
- Permission has been granted at the other end of the village which is less suitable position.
- Previously a farmhouse and outbuildings on site.
- Development will deliver much needed traffic calming measures helping to reduce traffic speed
- A large farmhouse with outbuildings previously occupied site, thus a previously developed site.
- Baffled that some people objecting are those who have just moved into the village and into new properties
- Village has the infrastructure to support additional population
- Doctors surgery would benefit as it has capacity to welcome new patients. The Bell Inn is also being renovated and additional villagers will potentially provide increased numbers of customers.
- The scheme will benefit the village.

2 letters/emails have been received making the following observations/representations:

- No problem with the proposed development
- Need for affordable housing in the village
- Will help sustain local services
- The developer has not mentioned any help to buy scheme for the larger market houses.

The Campaign for the Protection of Rural England (CPRE) have submitted an objection to the proposed development. Whilst noting that the scheme has been reduced in numbers, the concerns raised in connection with the earlier scheme remain ie that the cumulative level of growth for Broadway is not acceptable nor sustainable development and it would have an adverse landscape impact.

## **CONSIDERATIONS**

The application seeks outline consent with all detailed matters reserved for future approval other than the means of access. Accordingly, the assessment of this application relates to the principle of residential development on this site along with the proposed access arrangements from Broadway Road. Detailed matters in regard to the appearance, landscaping, layout, scale and design of the houses and internal roads would be assessed as part of any subsequent separate reserved matters application, subject to outline approval being granted.

### **Principle of Development**

Broadway is classed as a rural settlement in the adopted South Somerset Local Plan where development is strictly controlled. Development should be limited to that which provides 1 or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly affordable housing. The adopted Local Plan seeks to direct most of the housing growth towards Yeovil, the market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of at least 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan in regard to the distribution and spread of housing, and is designed to take advantage of employment and service opportunities in the larger settlements.

Broadway does benefit from some local services and facilities including a primary school, doctors surgery, village hall and a public house (currently being renovated). On this basis, the village can be considered as a relatively sustainable settlement and meets the criteria under Policy SS2 of the Local Plan for allowing development in rural settlements. This view is supported by recent appeal Inspectors in assessing appeals for residential development in the village, most notably a 25 house scheme next to the Bell Public House. Whilst, as with many rural areas, employment opportunities are low, and public transport provision is poor, people are increasingly either running businesses from home or working from home with a reduced need to travel to a main office. For these reasons, and having regard to a number of appeal decisions in respect of residential development in the village and other rural settlements within the district, where Inspectors have accepted residential development, the principle of residential development is considered to be acceptable. The key consideration in this case is whether the proposed number of dwellings is acceptable taking into account the site individually, the cumulative number of dwellings completed and consented over the plan period in the village and the district wide housing requirements.

It should be noted that whilst Policy SS2 is relevant policy consideration and has to be taken into account, insofar as parts of the policy are considered to be a housing constraint policy,



due to the Council's current lack of a 5 year supply of housing, only limited weight can be attached to Policy SS2. This is because Government policy contained within the National Planning Policy Framework outlines that where a Local Planning Authority is not able to demonstrate a 5 years supply of housing land, and the application involves the provision of housing, policies that are most important for determining the application are out-of-date.

Accordingly, as the principle is accepted, an assessment therefore now has to be made as to whether any relevant policies that protect such areas from development would provide a clear reason for refusal or whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. In this case, the benefits of the scheme would be the provision of housing, including affordable dwellings, economic benefit during construction and the spend of new occupants in the village. In addition, money will be collected from the Community Infrastructure levy, of which 15% will go to Broadway Parish Council.

### **Housing Need/Local Plan housing strategy**

Objections have been received to the application on the basis that there is no proven housing need for this scale of development in Broadway. In addition, the Parish Council undertook a housing needs survey in 2016. Forms were distributed to every household (320) with 134 forms returned, representing a 43% return rate. This is considered to be a very good return rate.

Reading through the summary of the main findings, it was clear that while 56% felt that Broadway is sufficiently or over developed, there was quite a clear indication from others that housing, in particular affordable housing was required. 44% (59) felt that more houses are needed with a third of those (20) looking for new housing to purchase, either open market or affordable. A high number of respondents (66%) stated that they require smaller properties, preferably 2 bedrooms although up to 3 would be acceptable for 34%. 75% (100 people) see a need for lower cost open market houses to purchase for people with local needs. 50% support new homes on smaller sites - 10 houses or less. Larger sites had no support. 1 in 3 would like a bungalow.

The above response to the Housing Needs Survey would appear to reasonably reflect the balance of responses received to the current application with the majority expressing concerns about any further development and the number of dwellings, whilst on the other hand, a significant minority of residents strongly supporting development in order to meet local housing needs.

The Housing Needs Survey provides useful evidence as to the housing needs in the village. However, notwithstanding the findings, this must be set against the context of the overall housing needs for the district. As outlined above, whilst Policy SS2 seeks to strictly control development, rural settlements are expected to contribute to meeting the district's overall housing needs. It is not considered that it would be reasonable to refuse this application simply on the basis that there is no housing need. There is clearly a housing need in the district and the Council are currently not able to demonstrate that it is meeting its housing targets. Indeed, the housing supply position has worsened with the most recent report stating that the Council currently has a 4 year supply, compared with the previous figure of 4.2 years. Accordingly, as a housing constraint policy, the NPPF advises that such policies are considered out of date and can only be afforded limited weight in the decision making process.

Given this context, the next assessment is whether the adverse impact of approval of this scale of development would significantly and demonstrably outweigh the benefits. Major new residential developments have been approved in Broadway in recent years, in particular 25

units next to the Bell, Tanyard with 16 and 9 units at Vardens Farm. The 25 units on land next to the Bell have yet to commence whilst the Tanyard development has been completed. In total, as at 31st March 2018, there have been 30 completions with 43 commitments (ie sites with planning permission but yet to be commenced and/or completed). This gives a total of 73 units.

In respect of providing affordable housing, it is clear that a number of local residents wish to see affordable housing being provided in the village. A number of units have been and will be provided as part of recent planning approvals at The Bell and those recently completed at St James Gate (5 affordable units). However, given the number of people that responded to the housing needs survey and the district wide need for affordable housing, by providing 12 affordable units, this scheme would make a valuable contribution towards the Council's affordable housing requirements. It is also important to note that whilst smaller developments (under 10) generally have more public support, following the government's decision that developments of 10 or under do not have to provide any planning obligations, these smaller schemes do not provide affordable homes.

In terms of assessing the scale of growth, the proposed scheme would add to the 73 already consented giving a total figure of 108. This would exceed the housing figures for Stoke Sub Hamdon which is classed as a rural centre and in the tier above Broadway in the Local Plan hierarchical strategy. The tier of settlements sitting above rural settlements in the local plan are the 6 rural centres and these generally have a target of 200 plus dwellings. However, Stoke sub Hamdon, whilst included as a rural centre has a housing figure of only 51 to reflect its smaller scale and nature. Therefore the total of 108 would sit well below the 5 rural centres. Therefore, on balance, it is not considered that the hierarchical strategy of the local plan would be significantly harmed or undermined by this proposed development.

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

### **Highways/parking**

One of the objections to the earlier scheme was the increase in use made of the Pound road/Broadway Road junction which is considered to sub-standard given the lack of appropriate visibility. Hence, the reason for the stop line on Broadway Road at the junction. The increase in traffic, speeding, safety concerns and, in particular the poor visibility at the junction, has been raised by local residents.

In regard to the current application, the Highway Authority have not raised an objection. They are satisfied that the increased levels of traffic development will not have a severe impact on the local highway network. The Transport Assessment advises that the scheme would generate 30 trips during the AM peak and 34 during the PM peak. They are satisfied that with the cutting back of the hedgerow, improved visibility will be provided. However, notwithstanding the measures proposed by the applicant and Highway Authority recommendation, as outlined earlier in this report, the case officer remained concerned at the visibility provided at this junction, particularly given the recorded speeds along Pound Road, well in excess of 30mph. This would require a much greater level of visibility at the junction ie 90 metres compared with 43 metres for a 30 mph area. As outlined above, a site meeting was convened with the Highway Authority, agent and the applicant's highway consultant to discuss the visibility at the junction. It was agreed that a section of the highway verge on the

left hand side as one emerges from Broadway Road would be reduced in height to no more than 300mm, levelled and grassed. This would provide a 90 metre splay making it much safer to emerge from the junction, benefiting both future and current residents.

The concern about speeding traffic on the local roads is fully acknowledged. In order to help with reducing vehicle speeds, the applicant has proposed a Gateway feature on Pound Road to the north and to the south of its crossroads junction with Broadway Road and Hare Lane. This comprises narrowing features on Pound Road with associated lining and signing. However, whilst this may only have limited impact on vehicle speed, the applicant should not be expected to solve the problem of excess speed on local roads. This is a matter for the Police and Highway Authority.

In addition, given the likely increase in pedestrian traffic, the lack of any footpath as part of the proposals for the withdrawn scheme drew an objection from the Highway Authority. A footpath extending 210 metres starting opposite the site entrance to Croft Farm is now proposed on the southern side of Broadway Road. This would be 1.8 metres in width and be adopted as part of the public highway. Concern has been raised about the visual harm the path would have on the current green verge and that it would lead to users stepping off the path into the road at its end point.

The Highway Authority have assessed the path, particularly from the safety point of view and have not raised an objection. Given that pedestrians currently have no footway for a significant length of Broadway Road and have to walk on the verge or road, heading from the village out to the west, it is considered that the provision of the footpath will be of benefit to both new and existing residents. The path will lead to the start of residential development on the southern side of Broadway Road, thus well beyond the extent of the development site. Whilst it would be ideal to continue the path to connect with the existing path in the village, it is not considered reasonable to expect the developer to deliver complete pavement coverage.

In regard to parking provision, concern has been raised that insufficient parking is being provided. The indicative layout submitted with the application shows provision for a total of 113 spaces. This figure is just below the adopted parking standards. However, details of the layout, including parking arrangements, are not due for consideration at this stage, and will be assessed as part of any subsequent reserved matters application.

## **Landscape**

One of the objections to the previous scheme was on landscape grounds, in particular the adverse impact on the character and appearance of the area. Notwithstanding the historic existence of a farm house and outbuildings, the site is the last piece of undeveloped land fronting Broadway Road from its junction with Pound Road. There are no dwellings to the south, opposite the site but a number of dwellings are located to the west on the other side of the junction.

The Landscape officer objected to the previous scheme on the basis that it would erode the character of the village's rural setting, projecting a housing mass into the countryside contrary to the local settlement pattern. It would also result in the loss of open space providing the historic separation of Hare Lane properties from Broadway village. The applicant's landscape and visual appraisal submitted as part of the application concludes that development of this form in this location will have a limited visual effect due to the woody surround and proposed mitigation, with physical change arising from development being limited to the locality. The landscape officer did not agree with that conclusion. The character of existing housing on the north side of Broadway Road towards this end of the village is mainly single-plot depth. The landscape officer was concerned that the original development

would be harmful to this linear character as well as enclosing the open space between existing development and properties in Hare lane.

In seeking to address those original concerns, the revised layout has reduced the number of dwellings by primarily removing houses away from the northern section of the site and proposing this as open space. The proposed dwellings as shown on the indicative layout plan will range from 25-35 metres away from the northern boundary. Additional planting will also be undertaken to supplement the existing boundary hedgerows and trees.

Whilst it is acknowledged that the character of properties along Broadway Road at this end of the village is linear in form, this is not characteristic of the village as a whole. There are a number of examples within the village where the character is of a group of dwellings, in a cul-de-sac arrangement. Properties on the northern side of Broadway Road arranged in this manner are at Olivers Lane and those at/adjacent to Yatford farm. Other examples include Tanyard on the southern side of Broadway Road. Of particular relevance is the appeal decision at Vardens Farm. Whilst for a lower number (9 units), the Inspector in assessing the landscape impact commented that there is 'a considerable variety in the arrangement of properties in the village'.

Whilst the landscape concerns are fully acknowledged, given the changes to the scheme, the mixed character of properties within the village and the Inspector's conclusion in respect of Vardens Farm, it is accepted that whilst there would be some landscape harm, this impact is not considered to be so adverse to significantly and demonstrably outweigh the benefits that the scheme would deliver.

### **Residential amenity**

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

### **Ecology**

The earlier withdrawn scheme for 46 units attracted objection on ecological grounds due to the adverse impact on dormice and the conclusion of the ecologist that the 3 tests under the Habitat Regulations would not be met. As outlined previously, the proposed layout of the scheme has been amended following an updated ecological appraisal. This outlines that the habitat on site largely comprises poor semi improved grassland which is heavily grazed. The loss of the grassland for development was assessed as having a negligible impact on biodiversity.

The protected species surveys identified that the boundary hedgerows are used by bats, dormice and breeding birds. The revised scheme includes compensation and enhancement measures for biodiversity which includes the retention, buffering and enhancement of the important hedgerows and woodland copse. This will provide an ecological corridor allowing enabling protected species to continue to use the site. Enhancements include the provision of a wetland/pond area, (attenuation), native wildflower, hedge and tree planting and installation of nesting opportunities for birds and roosting opportunities for bats. The additional Public Open Space areas will also be seeded to encourage the biodiversity of the site.

The Council's Ecologist has reassessed the ecological impacts based on the revisions to the suggested layout and on the basis of the revised ecological report. As will be noted above, the ecologist has not raised an objection to the principle of development but strongly recommends further dormouse mitigation is provided as part of any reserved matters application.

The Ecologist has noted the indicative layout for smaller number of houses with an area of open space in the north of the site which gives greater scope for mitigation/ compensation planting. The Ecologist didn't agree with all of the conclusions and mitigation proposals, particularly in regard to impact of road fragmentation and the need for supplementary thorny planting. Improvements for dormice mitigation can be achieved via widening hedges with new planting alongside. The scale of impact on dormice is low and localised and adequate mitigation and compensation can be provided within the site. As the layout and landscaping is not being sought for approval at this stage, this will need to be satisfactorily addressed at the reserved matters stage. In regard to the 3 Habitat Regulations Tests, it is considered that with the changes to the scheme and subject to satisfactory mitigation and compensatory measures, the scheme would meet the 3 tests.

### **Trees**

An objection was raised by the tree officer to the earlier scheme on the basis of the potential impact of the attenuation basin and its close proximity to 6 fine Oak trees on/adjoining the north-eastern corner of the site. His concern focused on the fact that such attenuation features can reach well beyond their immediate footprint. In particular, once filled with water, they can significantly alter the hydrology of the adjoining soil-environment, creating water-logged conditions that can cause extensive death of nearby tree root systems.

The revised scheme has pulled the attenuation basin 10 meters away from the closest point to the Oak trees. The Tree Officer is now satisfied with this revision and does not raise an objection. He notes that whilst the landscape details are only indicative at this stage, he does recommend that a more detailed landscape scheme is submitted with any reserved matters application.

### **Drainage/flooding**

Concern has been raised by some local residents about flooding and drainage of the site. As with any scheme, it is not expected to resolve any current drainage issues but to ensure that an appropriate drainage system is installed and that it does not create additional flooding elsewhere. A Flood Risk and drainage Strategy report has been submitted. The site is wholly located in Flood Zone 1 which means that the site is at low risk from sea or river flooding. Both Wessex Water and the Local Lead Flood Authority have assessed the proposal and submitted documentation. Neither have raised an objection subject to conditions to secure the technical drainage details with any reserved matters application.

Surface water will first be attenuated on site and discharged at the greenfield rate which will be achieved via a detention basin. Discharge from the site will then go to a ditch on the boundary, with this connecting to a tributary of the Cad Brook. The Planning Statement outlines that during the public consultation event, concerns were raised that the proposal is likely to increase pressure on the existing drainage and sewerage systems within Broadway with concerns that this is at capacity. The applicant consulted Wessex Water who confirmed that there is capacity in the public foul sewer network to accommodate the proposed development. Therefore it is proposed that the foul water will be discharged to the foul sewer in Broadway Road. This has been confirmed by Wessex Water through their formal consultation response to this application.

## **Heritage**

Broadway does not have a designated Conservation Area. In respect of listed buildings, the closest listed property is Porch House, which is located approximately 240 metres along Broadway Road to the east of the site. Accordingly, it is not considered that the proposed development would have any harmful impact on heritage assets.

### **Impact on local infrastructure and facilities**

Objections to the scheme have been received on the basis that the village does not have the facilities to support the scheme and that its local infrastructure would not be able to cope with the additional housing and resultant population increase. In terms of infrastructure, as can be viewed from the responses outlined previously in this report, none of the key statutory providers such as Wessex Water or the Highway Authority have raised an objection. On that basis, it is considered to be very difficult to sustain an objection on those grounds.

It is accepted that public transport provision is very poor and that journeys required to be made out of the village will be made by private vehicle. This position was accepted by the appeal Inspector when assessing and allowing the appeal scheme for 25 dwellings next to the Bell Public House. In regard to the medical centre, an email has been received from the Practice Manager at the Church View medical Centre, via the agent, to confirm that the centre has the capacity to enrol more patients onto the patient register and is actively encouraging patients to register at the practice to ensure sustainability.

## **Other matters**

The supporting documents have made reference to the fact that this site is identified within the Council's Housing & Economic Land Availability Assessment (HELAA). The HELAA is a technical and theoretical assessment of sites which could potentially contribute towards the future supply of housing and employment land within the local plan area. However, it is important to note that no policy weight is attached to its inclusion in HELAA nor does it imply that planning permission will be granted

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution towards the provision of sport, play and strategic facilities
- 3) Submission of a Travel Plan Statement;
- 4) Highway Improvements to include a new footway along Broadway Road and traffic calming and gateway features along Pound Road; and
- 5) Provision and maintenance of open space;

## **COMMUNITY INFRASTRUCTURE LEVY**

The application is CIL liable. This would be charged at 40 per sqm. 15% of the total received would go to the Parish Council.

## **RECOMMENDATION**

Grant permission

01. The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, and would not harm ecological interests nor heritage assets. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

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

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

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

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

03. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

04. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, scale, vehicular and pedestrian access arrangements, drainage and landscaping.

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

05. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of tree and shrub planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-volumes and the approximate date of planting. The installation details regarding ground-preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included within the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

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

Drawing numbers: 7854-pl001.

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

07. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

Construction vehicle movements;

Construction operation hours;

Construction vehicular routes to and from site;

Construction delivery hours;

Expected number of construction vehicles per day;

Car parking for contractors;

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

Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

A scheme to encourage the use of Public Transport amongst contractors; and

Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: in the interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

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

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

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be 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 that the development is properly drained to accord with the NPPF.



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

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

11. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel and highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.

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

13. No work shall commence on the development site until details of the access junction have been submitted and approved by the Local Planning Authority. Details of the access junction to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved access junction has been constructed. The visibility splays shown shall be constructed prior to the commencement of the development and shall thereafter be maintained at all times.

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

14. No work shall commence on the development site until details of the footway have been submitted and approved by the Local Planning Authority. Details of the footway to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved footway has been constructed.

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

15. No development shall commence unless a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements;
  - o Construction operation hours;
  - o Construction vehicular routes to and from site;
  - o Construction delivery hours;
  - o Expected number of construction vehicles per day;
  - o Car parking for contractors.

Reason: In the interests of highway safety and residential amenity to accord with Polices TA5 and EQ2 of the South Somerset Local Plan.

16. Tree & Hedgerow Protection Condition: Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the scheme of tree and hedgerow protection measures (as prepared by Greenman Environmental Management) shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

17. The reserved matters application shall include details for dormice mitigation including habitat compensation and landscape planting proposals. A habitat replacement ratio of at least 2:1 is recommended.

Reason: To mitigate the loss of habitat to accord with Policy EQ4 of the South Somerset Local Plan.

#### **Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The proposal involves the construction of a footway/road widening, which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Transport Development Group at County Hall, Taunton, TA1 4DY, for details of the dedication procedure. The Highway Service Manager for the South Somerset Area at Somerset County Council Highway Services, South Somerset Area Highways Office, Mead Avenue, Yeovil, BA22 8RT, Tel No 0845 345 9155, must also be consulted regarding the specification and supervision of these works before they commence on site.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager must be consulted. They can be reached at Somerset County Council Highway Services, South Somerset Area Highways Office, Mead Avenue, Yeovil, BA22 8RT, Tel No 0845 345 9155

