

Application Details	
Application Reference Number:	49/20/0034
Application Type:	Reserved Matters
Earliest decision date:	02 November 2023
Expiry Date:	22 September 2020
Extension of time:	28 June 2024
Decision Level:	Committee
Description:	Application for approval of reserved matters following Outline Application 49/17/0060 to determine layout, scale, appearance and landscaping for the erection of 71 No. dwellings with the detail required to confirm access as required by Condition No. 03 on land north of Burges Lane, Wiveliscombe
Site Address:	LAND TO THE NORTH OF BURGES LANE, WIVELISCOMBE
Parish:	49
Conservation Area:	n/a
Somerset Levels and Moors RAMSAR Catchment Area:	WITHIN
National Landscape (AONB):	n/a
Case Officer:	Russell Williams
Agent:	Chapman Lily Planning
Applicant:	LOVELL HOMES
Committee Date:	
Reason for reporting application to Committee:	Application deferred from Planning Committee – West meeting held on the 1 st May 2024

Recommendation

That, on the completion of a s106 agreement to secure phosphate mitigation, the application be GRANTED subject to conditions.

Background

This application was originally present to the Planning Committee – West on the 1st May 2024. The original committee report is attached at APPENDIX A and the written update to the committee is attached at APPENDIX B.

The committee ultimately resolved that:

That Planning Application 49/20/0034 to determine layout, scale, appearance and landscaping for the erection of 71 No. dwellings with the detail required to confirm access as required by Condition No. 03 be deferred to clarify the following areas of concern:

- *SUDS*
- *Open Space*
- *Allotments*
- *Car Parking*
- *The placement and types of the Affordable Housing plots*

The propose of this report is to provide an update to the committee following the deferral, and to provide additional information in respect of the reasons for deferral, so that the application may be determined.

Additional consultation comments received following the deferral of the application:

Consultee	Comments	Officer comments
Housing Enabling	<p>Notes that while the affordable housing units could be positioned more evenly across the sites the chosen location allows early delivery of the units which is supported.</p> <p>Satisfied that the design and materials used will ensure that the affordable homes are not visually distinguishable from the market housing.</p> <p>Concludes that the current application provides an acceptable Affordable Housing scheme.</p>	See below

Planning Considerations

Affordable Housing

The outline planning permission for the development of the site (Ref: 49/17/0060) requires that 25% of the units to be provided shall be affordable homes. This is secured by the s106 agreement which requires the Affordable Housing Scheme to be agreed with the Council prior to the construction of any of the dwellings.

While the approval of the Affordable Housing Scheme falls outside the consideration of this reserved matters application, the applicant has provided plans which show the affordable units which are intended to be provided to discharge their obligation under the s106 agreement. This confirms that, as required by the s106 agreement, 25% of dwellings provided would be affordable. The unit types and tenures would be as follows:

S106 affordable housing units

Plot No	Tenure	Type	Size
10	Social Rent	Flat	2B4P
11	Social Rent	Flat	1B2P
12	Social Rent	Flat	1B2P
13	Social Rent	House	2B4P
14	Social Rent	House	2B4P
15	Social Rent	House	2B4P
16	Shared Ownership	House	2B4P
17	Shared Ownership	House	2B4P
18	Shared Ownership	House	3B5P

19	Social Rent	Flat	2B4P
56	Social Rent	Flat	1B2P
57	Social Rent	Flat	1B2P
58	Shared Ownership	House	3B5P
59	Shared Ownership	House	3B5P
65	Social Rent	Flat	2B4P
66	Social Rent	Flat	2B4P
67	Shared Ownership	House	3B5P
68	Shared Ownership	House	3B5P

Total units: 18 (25%)

Total Social Rent: 11

Total Shared Ownership: 7

The Councils Housing Enabling Specialist has confirmed that the mix of units and the tenures to be provided is acceptable, and the affordable housing to be provided would meet the requirements of the outline planning permission and the associated s106 agreement.

The applicant has also indicated that they are currently intending to provide additional affordable housing units. If these units are provided as affordable housing, this would increase the level of affordable housing above that required by the s106 agreement. The applicant refers to these units as the "additional" affordable housing units. The unit types and tenures of the "additional units" would be as follows:

Potential "additional" affordable housing units

Plot No	Tenure	Type	Size
60	Social Rent	House	3B5P
61	Social Rent	House	3B5P
62	Social Rent	House	3B5P
63	Social Rent	House	2B4P
64	Social Rent	House	3B5P
69	Social Rent	House	2B4P
70	Social Rent	House	2B4P
71	Social Rent	House	2B4P

It should be noted, however, that neither the outline planning permission, the s106 agreement, or this reserved matters application would bind the applicant to providing these additional units. They are not therefore a material consideration in the determination of this application.

The committee also debated the location of the units and whether the dispersal of the units across the site was appropriate, as well as whether the materials used in the dwellings would make these distinguishable from the market housing proposed. Officers remain of the view that the location of the units is acceptable and consider that the mix of materials used in the affordable units reflects the mix of materials across the wider site and is appropriate in design terms given the location of units. The Councils Housing Team have also confirmed that the current application provides an acceptable Affordable Housing scheme.

The equitable division of infrastructure and management and maintenance costs

Concern was raised by the committee that much of the SuDs infrastructure and the public open space required for this the site allocation had been provided by the earlier stages of development, and that the occupants of the new properties where not being required to contribute to the cost of its maintenance.

As members will be aware, this application site forms part of a wider allocation for housing as identified by Policy MAJ1 of the Taunton Deane Site Allocations and Development Management Plan 2016. The land to the west was also allocated for development by Policy WV1 of the Taunton Local Plan 2004, but this allocation was superseded by Policy MAJ1. While this application forms part of a wider site allocation, and is often referenced as Phase 3 of the development, there was never an outline permission or masterplan covering the entirety of the allocation and these developments have come forward as individual planning applications. As there was not an allocation wide planning permission or planning obligation each application must deal only with the infrastructure that falls within the demise of the specific site.

Officers have previously advised that party bearing the cost of maintaining the infrastructure, be this the developer or where those costs have been passed on to the occupants of the development, is not a material planning consideration. It is not within the scope of this application to require the future occupants of this development to contribute to the cost of infrastructure that has been provided on the adjoining sites.

The maintenance of the allotments and the parking area

Members also sought additional clarification in respect of the management of the allotments and the communal parking areas, including the visitor parking and the parking intended to serve the existing properties on Burgess Lane . The applicant has confirmed that these areas would be transferred to a resident's management company who would be responsible for the management and the maintenance of these areas in the future. The applicant has also advised that the allotments would be made available for use by the wider community while the Burgess Lane parking would be primarily intended for use by these existing properties.

Given that the properties within the application site have their own dedicated parking areas it is unlikely that the occupants of the develop would seek to park their vehicles within the parking area to be provided for the properties Burgess Lane. This is, however, not formally controlled by the conditions or the planning obligations. While officers do not consider that a formal control is necessary to make the application acceptable, should members consider that a condition is required, a suitable condition is set out below and could be included in any permission granted.

Prior to the occupation of the 25th residential unit, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details of the body or organisation to be responsible for the management and maintenance of the communal car parking area, details of any parking restrictions or controls, and details of any allocation criteria for permits to required to use the parking area. Once approved the communal car park shall be completed and made available for use prior to the occupation of the 70th unit and thereafter the car park shall be managed and maintained in accordance with the approved Car Park Management Plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed communal car park is made available for local residents and to ensure that it is managed and maintained its intended purpose.

Conclusion

The application is seeking approval of the Reserved Matters of an extant outline planning permission. The matters to be assessing in this application relate to the layout, scale, appearance and landscaping. The details submitted would ensure the delivery an acceptable form of residential development that would be appropriate to its location and reflect the pattern and character of development in the local area. The proposal would also deliver much needed new housing as well as provide new affordable homes.

For the reasons set out above, as well as those set out in the original committee report and the written update, the application should be approved.