

## Appeal Decision

Hearing held on 9 January 2015

Site visits made on 8 and 9 January 2015

**by Roger Pritchard MA PhD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 January 2015**

**Appeal Ref: APP/R3325/A/14/2223834**

**Land South of Bayford Hill, Wincanton**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
- The application Ref 13/02318/OUT, dated 12 August 2013, was refused by notice dated 26 February 2014.
- The development proposed is the erection of up to 44 dwellings, provision of public open space, access and other ancillary development.

### Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 44 dwellings, provision of public open space, access and other ancillary development at Land South of Bayford Hill, Wincanton in accordance with the terms of the application, Ref 13/02318/OUT, dated 26 February 2014, subject to the conditions attached as a Schedule to this Decision.

### Application for costs

2. At the Hearing an application for costs was made by Hopkins Developments Ltd against South Somerset District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The original application, as made to the Council in August 2013, was in outline with only access to be considered at this stage, and was for '*...up to 47 dwellings...*' However, as a consequence of discussions between the appellants and Council officers, a revised, illustrative master plan (Ref 13036 \_002 Rev A) was submitted in February 2014 reducing the proposed development to a maximum of 44 dwellings. The Council considered the proposed development on this reduced number of dwellings and so have I. The description of development has thereby been amended.
4. The Council's reasons for refusal of the original application rely on Policies ST5 ST6 of the adopted South Somerset Local Plan. However, the day before the Hearing the Council received the Inspector's Report on the Examination, held in 2013 and 2014, of the new Local Plan 2006 – 2028. The Report concludes that the Local Plan '*...provides an appropriate basis for the planning of the District...*' subject to the making of a number of modifications, as proposed by the Council and recommended by the Inspector. The Council intends to adopt the new Local Plan, as modified, in March 2015. Given the advanced stage that the new

Local Plan has now reached, I conclude that its provisions should be given substantial weight and I have made reference in my decision to those policies that I consider most relevant to the proposed development.

### **Main Issues**

5. I consider the main issues to be –

- 1) The principle of residential development on the appeal site; and
- 2) Whether the maximum scale of development proposed can be achieved without –
  - a. Prejudicing the views of the Blackmore Vale that exist across the site; and
  - b. Resulting in unacceptable material harm to the living conditions of the occupants of adjacent residential dwellings in Greenway Close.

### **Reasons**

#### *The principle of residential development on the site*

6. The principle of residential development on the appeal site is intimately associated with its history. An outline application (Ref 931191) for a much larger area, but including the appeal site, was allowed on appeal in November 1993. The greater part of this permission, now known as Deansley Way, has been developed with the last stages now for sale. As a consequence, however, the appeal site remained undeveloped and was effectively severed from this larger site. Some Councillors and local residents suggested that the appeal site could and should still be developed on the basis of the 1993 outline permission – which I understand would have led to around 15 dwellings being constructed at its western end. However, both the appellants and the Council accept that, because of the manner in which the Deansley Way development has been carried out, the 1993 permission can no longer be implemented so far as it applied to the appeal site. There is therefore no fallback position deriving from that permission and any residential development on the site requires a new permission.
7. In 2009, an outline application (Ref 08/01374/OUT) for the erection of 24 dwellings on the appeal site was made but was refused and subsequently dismissed at appeal. Although the main issues I have identified above were relevant to the determination of this appeal, other national and local policies were cited in the appeal decision that have subsequently changed. Nationally, a significant factor in the consideration of the 2009 appeal appears to have been the then Government commitment to specific minimum housing densities. This was effectively abandoned with the publication of the National Planning Policy Framework ('the Framework') in 2012.
8. Locally, the policy context has moved on with the preparation and imminent adoption of the new Local Plan as described in paragraph 4 above. Paragraph 100 of the Inspector's Report deals with future employment and housing growth in Wincanton. Acknowledging the high level of residential commitments in the town (698 dwellings out of a total requirement of 703 being already committed), the Inspector recommended a modification to the text of the Local Plan. This would commit the Council to a review of employment and housing policies for Wincanton within three years. In the interim, a 'permissive

approach' towards the consideration of housing proposals should be taken prior to the adoption of any Site Allocations Development Plan Document (DPD).

9. The text that the Council proposes to include in the Local Plan is set out in Main Modifications MM5 and MM12 as appended to the Inspector's Report and would follow paragraph 4.103 of the Local Plan. The text reads, *'Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs) and 'directions of growth' at the Market Towns. The overall scale of growth ....and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements.'*
10. The Council explained at the Hearing that for a site, such as that before me, which was within the development boundary of a Market Town (Wincanton) and where there was a past commitment to the provision of housing, residential development would be acceptable in principle but would be subject to the other policies of the new Local Plan. The Council considered the critical policy in considering the proposed development should be Policy EQ2: *General Development*. The more significant criteria of this policy for the appeal development would be the conservation and enhancement of landscape character; the reinforcement of local distinctiveness and respect for the local context; and the protection of the residential amenity of neighbouring properties. Accepting my premise in paragraph 4 above, I give Policy EQ2 substantial weight, although I also note that it largely reflects and incorporates the provisions of both Policies ST5 (criterion 4.) and ST6 (criteria 1., 2., 4., 5., and 6.) of the currently adopted Local Plan as referred to in the reasons for refusal.
11. The consequence of the above history, including the provisions of the modified and soon to be adopted Local Plan, is that the principle of residential development on the appeal site is firmly established. The Council accepts this and no one at the Hearing, though many are opposed to this particular proposal, dissented from that position. It is equally my presumption that residential development is acceptable in principle on the appeal site.
12. I am, nevertheless, aware of the concerns put forward by both local residents and local Councillors that growth in Wincanton had been too rapid in recent years and that an imbalance had developed between employment opportunities and new housing. They suggested that this issue had become especially acute in the last two or three years. However, Council officers conceded that the latest substantive evidence, from the 2011 Census, suggested that there was no support for the view that Wincanton had an excessive ratio of out commuters or a major deficit in employment. I therefore conclude that the Council's interim policy, as set out in paragraph 10 above, is a reasonable approach and that the proposed development should be considered in the terms there set out.
13. The questions raised by this appeal are therefore the quantum of development and, to some extent, its layout and form in relation to the main issues that I have identified in paragraph 5 above. I shall initially examine these two issues independently but I recognise, and the Council emphasised to me, that there is a relationship between them that must also be considered.

*The views of the Blackmore Vale*

14. The appeal site is on the south side of Bayford Hill, the road which, prior to the construction of the A303 by-pass, was the main access to and from Wincanton to the east. The road climbs steeply from the eastern end of the High Street and, until the latter half of the last century, was lined with small groups of late Victorian/Edwardian houses, often separated by substantial gaps in the development frontage. More recent residential development has occurred on the north side of Bayford Hill but also extensively to the south over a broad swathe of land that lies between the former edge of the town and the A303. The Deansley Way development represents the latest manifestation of this.
15. Two significant gaps in the southern frontage of Bayford Hill remain. One is the appeal site, where there is a gap of around 200 metres between Hillside, a Victorian villa that forms the western edge of the gap, and Panorama, a much extended 1960s bungalow that is at the eastern end. The other is a slightly smaller gap some 150 metres to the east. Both gaps offer panoramic views to the south which are emphasised by the fall in the ground to the south. These views are over the late 20<sup>th</sup> century development and beyond the A303 towards Blackmore Vale which stretches away to the south and east.
16. The views southwards from the remaining open frontages on Bayford Hill are an important and defining characteristic of Wincanton's topography. The construction of the A303 by-pass has obviously largely eliminated through traffic but Bayford Hill remains a significant vehicular access into the town. The scale of recent development in the vicinity may also have generated more cyclists and pedestrians using Bayford Hill, although the links from the recently built housing estates direct such users westwards towards the town centre along the lower ground to the south. The current lack of any footway on the southern side of Bayford Hill along the appeal site frontage may also dissuade some pedestrians from using this route.
17. Nevertheless, local residents stressed the value that they attach to the views south across the appeal site and suggested that these had become a feature in the town's attractiveness to visitors. I note that a seat has already been placed on the smaller of the two open frontages to facilitate views to the south, whilst the appellants have suggested a similar facility could be associated with the proposed development.
18. The appellants did not dissent from the importance that the local community and the Council place on the views across the site towards Blackmore Vale. Indeed, they stressed that the protection of these views had been a principal concern in drawing up the illustrative master plan for the proposed development and how this had generated early and major inputs from their commissioned landscape architect. Although illustrative in the context of the outline application before me, the appellants' latest master plan (Ref 13036 \_002 Rev A) sought to retain the greater part of the road frontage as public open space. Proposed new housing closer to Bayford Hill would be concentrated at the eastern and western ends of the appeal site, whilst housing in the centre would be further down the slope towards existing residential development in Greenway Close.

19. At the Hearing, appraisal of the impact of the proposed development on views across the site of the current version of the illustrative master plan focused on Computer Generated Images (CGI) that had been produced by the appellants' landscape architect. CGI is now a common means of illustrating the possible effects of development on the landscape. Those produced by the appellants have been generated in line with protocols and standards commonly approved for such images and were agreed with the Council's officers. I afford these images significant weight, but tempered with reservations as to the different impressions that the same image may still create on observers. They are a tool, the evaluation of which remains inherently subjective.
20. Notwithstanding those reservations, I draw certain broad conclusions from the CGI, especially when taken in the context of my two visits to the site. The first on the afternoon before the Hearing was in conditions of good weather and visibility with the long-distance views to the south and east being exceptionally clear. The second at the end of the Hearing was in conditions with low cloud cover and the threat of rain, although still with decent visibility. Emphasis must also be placed on the different impressions that would occur depending on whether one was in a car or on foot and if one were travelling eastwards up the hill or westwards down it into the town centre.
21. For the motorist, I consider the impact of the proposed development, if carried out in accordance with the current illustrative master plan<sup>1</sup>, would be greater when travelling east than when dropping down Bayford Hill westwards into the town centre.
22. When travelling westwards, views to the south east are already initially closed off by Panorama. As one continues towards the town centre, drivers can see over the site towards the hills to the south west but this vista is very much in the context of the approaching urban landscape. This view would be constrained to a degree by new housing on higher ground at the western end of the appeal site (e.g. plots 42 – 44) but not, in my view, to the degree that would fundamentally alter the visual experience of a driver approaching Wincanton from the east.
23. For the motorist travelling east, views to the south and east are already initially constrained by Hillside but would open up as one climbed Bayford Hill with the proposed housing being sited further down the slope (e.g. plots 19 – 23) and separated from the main road by the proposed area of public open space. As one approached the eastern end of the site's frontage, views to the south, and especially the south east, would again be progressively closed off, especially after passing the proposed access to the site before finally disappearing when blocked by the existing development at Panorama.
24. Notwithstanding the differences depending on whether travelling eastwards or westwards, for drivers I doubt that the views would be substantially altered. None of the proposed dwellings would breach the skyline and the combination of the distance between the carriageway and the edge of built development and the intervention of any likely boundary treatment would not produce a fundamental alteration in the motorist's impression of the vista before them. Whether leaving or entering the town, motorists would continue to have the

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<sup>1</sup> When plot numbers are referred to in this Decision these are the plot numbers as set out on the revised illustrative master plan (Ref 13036 \_002 Rev A).

benefit of the wider perspectives over Blackmore Vale that are offered by the gap between Hillside and Panorama. Both these existing properties would continue to be the major reference points between which these views would be available. I therefore conclude that for motorists the impact of the proposed development on the visual impression currently produced when looking south from Bayford Hill would not change to the extent that would represent significant material harm.

25. For pedestrians (and to a lesser extent, cyclists), the visual impact of the development could be significantly greater. Not only would pedestrians take far longer than motorists to traverse the appeal site's frontage but on the south side of Bayford Hill in particular they would be immediately adjacent to the site boundary with presumably unrestricted views across it. (Pedestrians on the north side of Bayford Hill would be further away from the site boundary and thereby would probably not be able to see directly down the slope but that greater distance from the site boundary would be partly offset by the raised footway on the north side of the road.)
26. For pedestrians, the impact of the proposed development would be to amend substantially the foreground of the views that they could obtain from the Bayford Hill boundary of the site. The longer distance perspective towards Blackmore Vale would remain but the context in which there were seen would be altered.
27. In mitigation of the changed impact, the appellants make the point that views looking down from the site's boundary along Bayford Hill are already seen in the context of the substantial residential development immediately to the south of the site. I agree but housing on the appeal site would significantly change the foreground of these views, intensifying the impression of urban development, even if they did not block the long-distance vistas to the south and south-east. Nevertheless, and notwithstanding the above conclusion, I also consider that almost any significant residential development on the appeal site would produce visual changes of a similar form.
28. Some local residents have come to a similar conclusion to the extent that, whilst not opposing the principle of residential development on the appeal site, they favour only minimal levels of development, concentrated in its south-western corner where they believe the visual effects would be most limited. I do not go so far. My assessment is that it is the longer distance views to the south and south east that have the greatest value and the topography of the appeal site undoubtedly offers opportunities to build at both the western and eastern ends without significantly compromising those views across the site. Furthermore, changes to the foreground views are not only inevitable if any development goes forward on the site but would, nonetheless, be acceptable provided they do not overwhelm the longer distance vistas.
29. Concern was expressed both by the Council and local residents that the gradients that the highway authority required for the access roads within the site would result in some of the proposed dwellings having to be positioned in a manner that would cause them to intrude excessively into the views of Blackmore Vale. Whilst the highway authority would require shallow gradients for that stretch of the access road immediately adjacent to Bayford Hill, the discussions between the highway authority and the appellants persuaded me

that appropriate arrangements for the access roads could be achieved without undue difficulties in positioning individual properties. Furthermore, the CGI to which I have already made reference have been constructed on the assumption of access road gradients to which the highway authority would agree.

30. My overall conclusion on this matter is that if the proposed development went ahead on the basis of the revised illustrative master plan (Ref 13036 \_002 Rev A), the long distance views to the south east towards Blackmore Vale would not be fundamentally compromised. In terms of motorists' impressions the visual changes would not be significant but pedestrians would see the long distance views in the context of foreground development that would alter their overall perspective. For many local people, who regularly walk up and down Bayford Hill, that change would represent significant material harm.
31. The appeal before me is in outline with all matters but access reserved. There must therefore be opportunities to amend the development when details are considered by the Council. The appellants argue that the process by which the revised illustrative master plan has emerged has already secured the objective of affording the greatest possible protection to the views of Blackmore Vale. I am not completely convinced that this is so. Some alternative mix of the types of dwellings and some further variation in layout could secure a better outcome. However, before I give further consideration to this matter, I need to look at the second reason for refusal.

*The living conditions of the occupants of adjacent residential dwellings in Greenway Close*

32. The other reason for refusal advanced by the Council is the impact of the proposed development, presumably if it were implemented in line with the revised illustrative master plan, on the living conditions of the occupants of neighbouring residential dwellings.
33. The Council clarified its concerns at the Hearing as being the effects, in terms of overlooking and overbearing, of the line of properties that would be provided along the southern edge of the proposed development on the facing elevations and rear gardens of the properties in Greenway Close. There were some suggestions in both the written representations and at the Hearing that other properties, for example in Common Road, might be adversely affected. No substantive evidence to this effect was put to me, however, and I am clear that in terms of potential material harm it is the properties in Greenway Close that must most concern me.
34. I appreciate that residents of Greenway Close may be unhappy at the prospect of houses being constructed at the rear of their properties after many years of seeing only an open field. The appeal site has, however, been accepted as a prospective location for additional residential development since the early 1990s and, as I have concluded in paragraph 11 above, the principle of residential development here remains generally agreed. I cannot therefore concede that additional dwellings must in principle be unacceptable simply because they may be seen from the rear of the properties in Greenway Close. On the contrary, there must be significant and demonstrable material harm, as suggested in paragraph 14 of the Framework, for this to be an acceptable reason for dismissing the appeal.

35. The appellants pointed out that the separation distances suggested by the revised illustrative master plan generally exceed the 21 metre guideline that many local planning authorities apply to facing rear elevations. Moreover, they also emphasised that other recent housing developments in Wincanton had frequently adopted separation distances that were not only less than provisionally proposed here but were also significantly less than the 21 metre guideline.
36. Notwithstanding the above, the issue of overbearing and overlooking is complicated by two issues. The first is that conventional separation distances are for immediately facing elevations. At either end of the development, the revised illustrative master plan suggests that proposed dwellings would site at an angle to those in Greenway Close (i.e. plots 12 – 18 at the eastern end of the development and plots 26 – 29 at the western). In these cases, the potential for overlooking is significantly reduced. However, set against that matter is the fact that existing dwellings in Greenway Close would be at a significantly lower elevation than the proposed dwellings on the appeal site. In general terms, the gradient of the appeal site becomes steeper as one proceeds to the east. As a result, although houses built at the western end of the site (e.g. plots 22 – 27) would still be above those in Greenway Close, the effect would be substantially less than those at the eastern end of the appeal site (i.e. plots 12 and 13 and plots 19 – 21). I saw this for myself when visiting the rear garden of 36 Greenway Close. However, plots 12 and 13 are turned at a significant angle away from the houses in Greenway Close, whilst plots 19 – 23 all have separation distances in excess of 30 metres.
37. I therefore conclude that the interaction between the proposed development, as would be implemented in terms of the revised illustrative master plan, and the neighbouring properties in Greenway Close would not result in significant and demonstrable material harm. The relationship between the proposed development and Greenway Close would be within the parameters that could normally be expected in a residential area and would be comparable to those that have proved acceptable elsewhere within the town on other developments which the Council have permitted.

*The interaction of the two reasons for refusal*

38. I recognise, and it was accepted by the parties at the Hearing, that the two reasons for refusal interact with one another. The views across Blackmore Vale might be best protected by locating as many of the proposed dwellings as possible as far down the slope as practicable. Yet the further down the slope new dwellings are built, the greater the chance that their interaction with the existing properties in Greenway Close may become unacceptable in terms of the effects on the living conditions of the occupants of the latter.
39. In this context, there was considerable discussion at the Hearing about the advantages of building bungalows on the site. Some local residents suggested that the development should comprise nothing but bungalows. Irrespective of their advantages in terms of the main issues I have identified, it was contended that a bungalow development would have the advantage of catering for what some saw as a particular, unmet need in Wincanton. However, the evidence put to me on this point was preponderantly anecdotal and I am loath to afford



significant weight to the suggestion that more bungalows should be provided on housing need grounds alone.

40. I do not consider that the whole of the proposed development should or needs to comprise bungalows. The outcome could be an incongruous uniformity of form over the site when compared with the mix of house types characteristic of other recent developments in the vicinity. Furthermore, there are clear opportunities on the appeal site for two storey dwellings to be constructed in locations which would neither fatally compromise the views across and beyond the site to Blackmore Vale nor the living conditions of the occupants of the adjacent dwellings in Greenway Close.
41. Nevertheless, providing a greater proportion of bungalows on the site, especially along the southern boundary that faces the properties in Greenway Close could reduce local residents' concerns about overlooking or overbearing on the latter. It might also assist the protection of the vistas over the Blackmore Vale so far as these could be seen across the public open space suggested for the centre of the site.

#### *Conclusions on the main issues*

42. I have already concluded that the critical factors here are whether the quantum of development proposed by the outline application, i.e. up to 44 dwellings, can be achieved in relation to the layout of the site and the form of the properties to be built without compromising the views of Blackmore Vale or resulting in unacceptable material harm to the living conditions of the occupants of Greenway Close.
43. Council officers concluded that the revised, illustrative master plan (Ref 13036 \_002 Rev A) would achieve the above objectives and recommended approval. Members disagreed - as they have every right to do.
44. In relation to the material harm to the living conditions of the occupants of those properties in Greenway Close, I conclude that the outcome would not be the scale of significant and demonstrable harm as would outweigh the provision of additional housing on a site where the principle of residential development has long been accepted. In this respect, I consider that the proposed development could be carried out whilst meeting the provisions of criterion 4. of adopted Policy ST5 and criterion 6. of adopted Policy ST6 as well as the relevant aspects of emerging Policy EQ2.
45. In respect of safeguarding the views across and beyond the site to Blackmore Vale, I am a little more cautious. I consider that the impact of the development in terms of drivers' experience whether entering or leaving the town via Bayford Hill would not be significant. However, I accept that pedestrians' views across the site would be changed to the extent that the long-distance views whilst being maintained would be seen in the context of a changed foreground of additional development. Many local residents consider that would represent unacceptable material harm. I do not go that far, but I do consider that there could be opportunities in the consideration of reserved matters to amend the detailed layout and form of the development further to limit its effects on the vistas that are so valued.

46. On the assumption that the parties seize those opportunities, I conclude that the proposed development could be delivered in terms that meet the relevant criteria of adopted Policies ST5 and ST6 as well as the provisions of emerging Policy EQ2.

## **Other Matters**

### *The Unilateral Undertaking*

47. The appellants submitted to myself and to the Council a signed and dated Unilateral Undertaking made under section 106 of the Town and Country Planning Act 1990. The Undertaking commits the appellants to provide 35% of the housing on the site as affordable housing and to provide financial contributions to offset the impact of the proposed development on education, community, health and leisure services in the local area. The Council has accepted the Undertaking in the terms made and I conclude that the Undertaking has been properly made, meets the requirements of Section 122 of the Community Infrastructure Levy Regulations 2010 and the advice in paragraph 204 of the Framework.
48. There was some suggestion at the Hearing that if the appellants came forward with a lower quantum of development on the appeal site, the Council might waive the 35% affordable housing contribution – at least in part. Although this idea was promoted by some local residents and by local Councillors, it does not represent to the Council's official position and I have therefore set it aside.
49. In the context of the Unilateral Undertaking, both local residents and local Councillors suggested that services in Wincanton were overloaded and that the town required '...a rest...' to absorb the consequences of development already approved and underway. However, as Council officers conceded, the education and health authorities had raised no objection to the proposed development provided appropriate contributions were made.

### *Access and traffic*

50. It was suggested that some 40+ additional houses would generate sufficient levels of traffic exiting on to Bayford Hill as to constitute a significant additional risk to highway users. However, the highway authority has had extensive discussions with the appellants and is now content with the proposed development and the arrangements for access to and from the site. I therefore conclude that this is not a matter that should weigh against the appeal being allowed.

### *Drainage and flooding*

51. I accept that there is a long-standing problem with surface run-off from the slopes of Bayford Hill down into the existing residential areas below. I saw illustrations of this issue on both my site visits, which took place during periods of heavy rainfall. However, the appellants are under no obligation to resolve existing issues and I am persuaded from the discussions that have taken place with the appropriate authorities that arrangements can be made to ensure that the proposed development does not aggravate current problems from surface water run-off. It may, indeed, be that existing issues would be ameliorated by those arrangements.

## Ecology

52. Although anecdotal evidence was put to me that protected species – slowworms and great crested newts – had been seen on the appeal site, previous surveys had suggested that its ecological value was limited. Nevertheless, recommendations as to measures to protect and enhance that ecological value have been put forward and could be delivered through an appropriate condition.

## Conclusion

53. For the reasons given above I conclude that the appeal should be allowed.

## Conditions

54. I have considered the conditions put before me by the Council that it would wish me to impose were the appeal to be allowed in the light of policies towards conditions as now set out in the Government's recently published Planning Guidance and the model conditions included in the still extant Annex to Circular 11/95, *The Use of Conditions in Planning Permissions*.
55. In addition to the standard conditions setting a timetable for the submission of reserved matters and a time limit for the commencement of development after those matters have been approved, I agree with the Council that a condition should be imposed requiring all the reserved matters to be submitted as a single application in order for issues such as plot locations and the form of dwellings to be considered together. I shall impose such a condition together with a single condition requiring adherence to the location plan that defines the boundaries of the site.
56. Notwithstanding the reserved matters, conditions are needed at this stage to require prior approval of a scheme for the surface water drainage of the site, including the arrangements for its future maintenance. I shall impose such a condition to protect and enhance the ecological value of the site has already been discussed and I shall impose such a condition.
57. Access is a matter before me and conditions are thereby necessary to ensure that the access roads within and into the site are provided to appropriate standards and before any of the dwellings here approved are occupied. Those conditions also need to ensure that the access on to Bayford Hill has appropriate visibility splays and that the footway along the southern side of Bayford Hill is provided to form a continuous link with existing arrangements. I shall impose conditions in all these respects as well as to ensure that bus stops are provided in convenient locations on Bayford Hill and that the new pedestrian and cycle link from the site towards the town centre is in place before any new dwelling is occupied.
58. It will be realised from my conclusions above that the levels on the site are especially significant in terms of the main issues that I have considered. Details setting out all necessary levels should therefore be submitted before development begins. I shall impose a condition to that effect.
59. Finally, to protect the amenity of neighbouring residents, a Construction Management Plan is needed to ensure that development takes place in a manner that mitigates its impacts in line with the provisions of the Environmental Code of Construction Practice.

60. There is, however, one condition that the Council put before me that I consider unnecessary. This is the requirement for a Travel Plan to be submitted within a year of the first occupation of the development. This is a small development of private residential houses and I cannot see that such a Plan is necessary or would prove capable of being monitored or enforced. I shall not therefore impose such a condition.

*Roger Pritchard*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE APPELLANT:

Satnam Choongh	Of Counsel Instructed by Matthew Kendrick of Grassroots Planning Grassroots Planning
Matthew Kendrick	
Peter Richards	
Bill Hopkins	Hopkins Developments Ltd
Nathan Hopkins	Hopkins Developments Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Mike Muston	Consultant acting for South Somerset DC
Adrian Noon	Team Leader, South Somerset DC

### INTERESTED PERSONS:

Cllr Nick Colbert	Ward Members for Wincanton, South Somerset DC
Cllr Colin Winder	
Cllr Tim Carroll	South Somerset DC
Cllr John Hayden	South Somerset DC
Cllr Anna Groskop	South Somerset DC and Somerset County Council
Sam Atherton	Wincanton Town Council
C R Mahoney	}
Tim Carroll	}
Richard D'Arcy	}
Doug Castle	}
Chuck Downton	} All local residents
Shirley Hayward	}
Maureen Emery	}
Vic Southan	}
Victoria Vagg	}
Stephen Davy-Osborne	Western Gazette

## DOCUMENTS PRESENTED AT THE HEARING

1. Signed Statement of Common Ground, dated 9 January 2015
2. Report on the Examination into the South Somerset Local Plan 2006-2028 by David Hogger BA MA MRTPI MCIHT, dated 8 January 2015
3. E-mail correspondence of 4 December 2013 between South Somerset DC and County Highway Authority *re* the appeal site
4. Policy EQ2 : General Development, final draft Local Plan
5. Statement by Cllr Tim Carroll
6. Statement by Richard d'Arcy

7. Statement by Cllr Colin Winder
8. Statement by Jim Eastaugh
9. Statement by Chuck Downton
10. Application for a full award of costs by the appellant

Richborough Estates

## **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters specified in Condition 1) shall be made as a single application to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the reserved matters.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan 13035/001 as received on 15 August 2013.
- 5) No development shall take place until a detailed scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme shall be in general accordance with the Flood Risk Assessment by Hydrock dated February 2013 (Ref. R/12605/001.02) and shall include measures to prevent the run-off of surface water from private plots on to the highway. Development shall be carried out in accordance with the approved details and the completed scheme shall be retained thereafter.
- 6) The development hereby permitted shall be neither occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage scheme approved under Condition 5) has been submitted to and approved in writing by the local planning authority. The approved surface water drainage scheme shall be thereafter maintained in accordance with the approved scheme.
- 7) The development hereby permitted shall be neither occupied or brought into use until a scheme for the safeguarding of the ecology of the appeal site has been carried out in accordance with the recommendations of the Ecological Survey by Michael Woods Associates, dated November 2013, and received by the local planning authority on 18 November 2013.
- 8) No development shall take place until details of the 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 have been submitted to and approved in writing by the local planning authority. Details shall include plans and sections, showing as appropriate the design, layout, levels, gradients, materials and methods of construction and development shall be carried out in accordance with the approved details.
- 9) No dwelling hereby permitted shall be first occupied until it can be served by properly constructed roads, footpaths and turning spaces consolidated and surfaced to at least base course level between the dwelling and the highway.
- 10) No development shall take place until details of the vehicular access to Bayford Hill have been submitted to and approved in writing by the local

planning authority. Details shall be in general accordance with Drawing 0158/PHL-001 Rev A, dated 4 December 2013 and shall include a minimum width of 5.5m and incorporate radii of not less than 6.0m at the access from Bayford Hill. The development shall be carried out in accordance with the approved details and the access as approved shall be completed before any dwelling hereby permitted is first occupied.

- 11) There shall be no obstruction to visibility greater than 300mm above the adjoining road level forward of lines drawn 4.5m back from the carriageway edge on the centre line of the proposed access and extending to points on the nearside carriageway edge of 90m at each side of the access extremities of the site frontage. Such visibility shall be provided before any other works commence on the development hereby permitted and shall thereafter be retained at all times.
- 12) No development shall take place until details of the footway to be provided along the Bayford Hill frontage of the site have been submitted to and approved in writing by the local planning authority. The footway shall have a minimum width of 1.8m, shall link to the existing footways and shall be completed before any dwelling hereby permitted is first occupied. The footway shall be retained thereafter.
- 13) No development shall take place until details of new pedestrian and cycle links through the site have been submitted to and approved in writing by the local planning authority. The approved links shall be completed before any dwelling hereby permitted is first occupied and shall be retained thereafter.
- 14) No development shall take place until details of two new bus stops in the vicinity of the access to the site from Bayford Hill have been submitted to and approved in writing by the local planning authority. The specifications for the bus stops shall include shelters and high access kerbs and shall be completed in accordance with the approved details before any dwelling hereby permitted is first occupied.
- 15) No development shall take place until details of all levels on the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 16) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall specify construction operating hours, construction vehicular routes to and from the site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in line with the provisions of the Environmental Code of Construction Practice. The development shall be carried out in accordance with the approved details.