

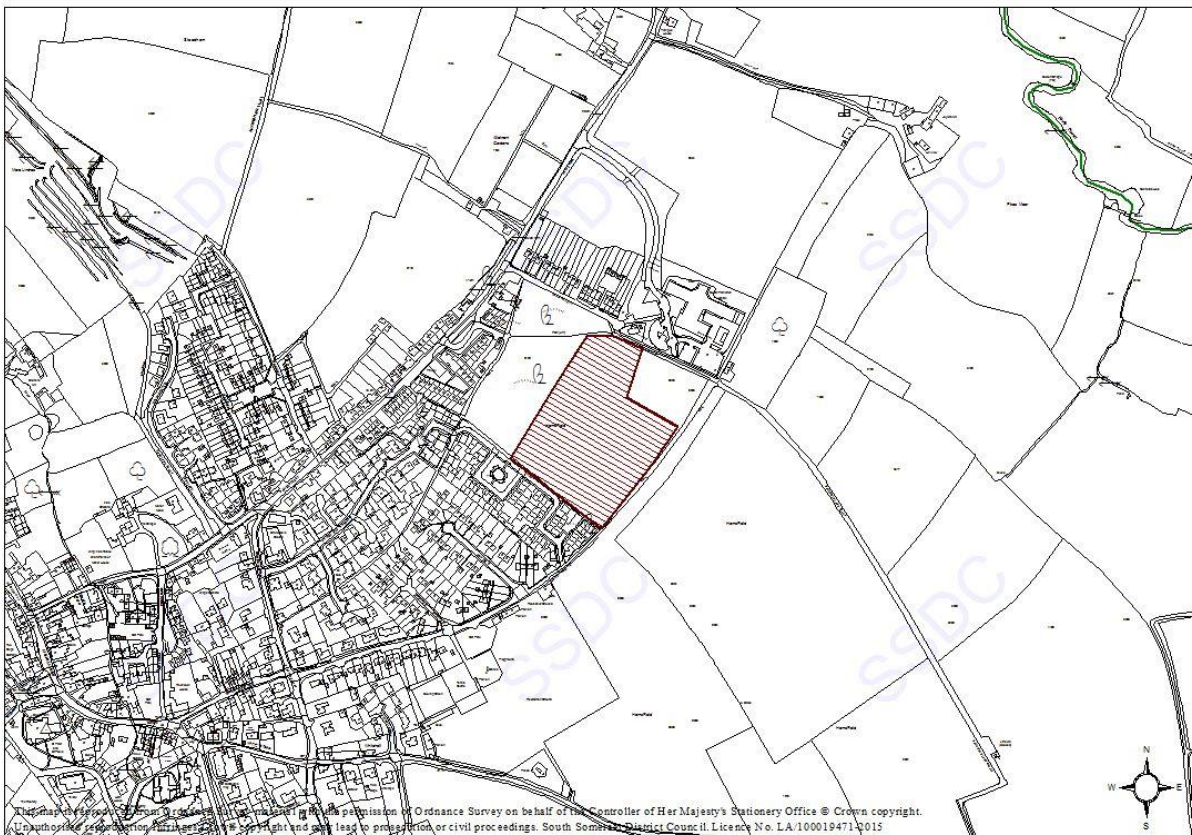
Officer Report On Planning Application: 14/04142/FUL

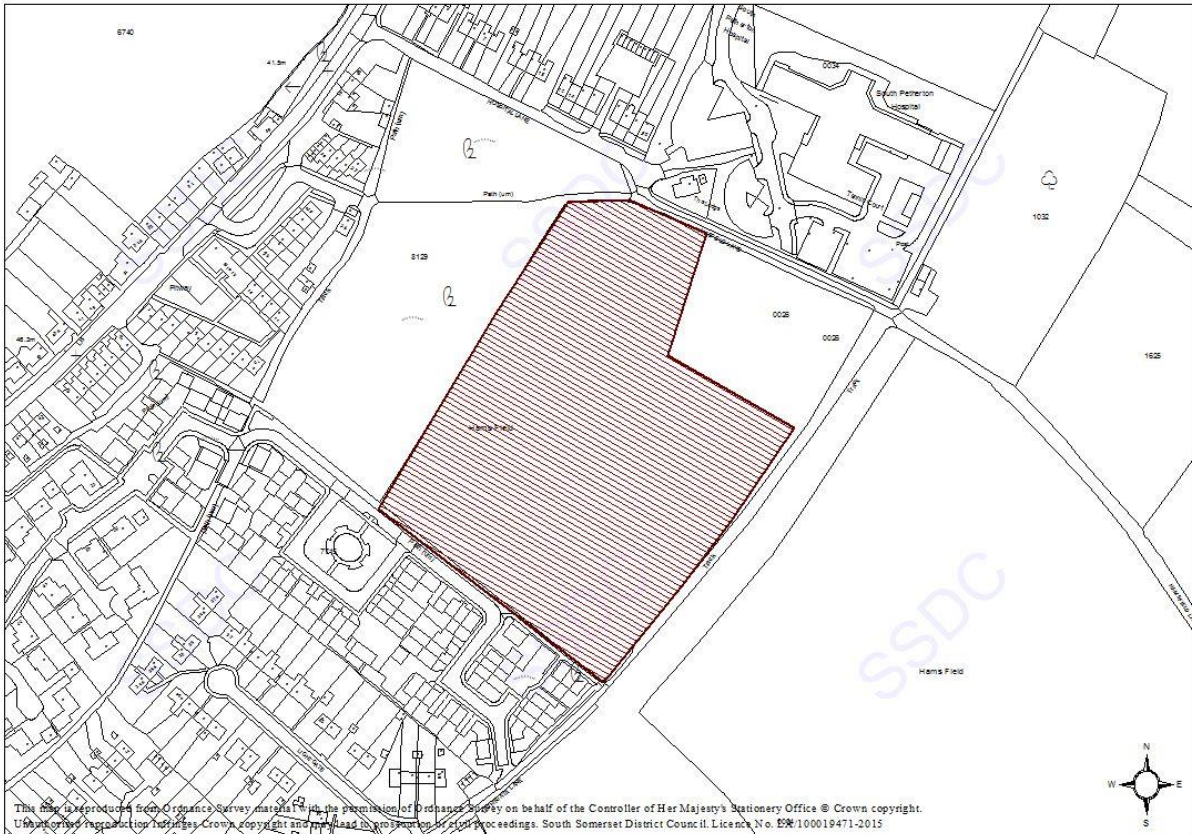
Proposal :	Residential development comprising of 89 No. dwellings (to include 31 No. affordable homes), vehicular access, public open space and associated works. (GR 343900/117225)
Site Address:	Hams Ground, St Michaels Gardens, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr P A Thompson Cllr B R Walker
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	15th December 2014
Applicant :	Mr Matthew Seaman
Agent: (no agent if blank)	Mrs Lydia Grainger, WYG, ,Hawkridge House Chelston Business Park, Wellington TA21 8YA
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

To enable the issues raised to be debated by the planning committee.

SITE DESCRIPTION





The application site is a piece of agricultural land measuring approximately 2.8 hectares situated to the north-east of the village of South Petherton.

The site is adjoining, and connects into two recent developments to the south and to the western boundaries. The development to the west is nearing completion and was granted under reference 13/02239/FUL.

The site is accessed via St Michael's Gardens which is located to the south west of the site. The recently constructed doctors surgery is located to the north eastern corner of the site. There are public rights of way located outside the site along the southern, eastern and northern boundaries.

Ground levels are lower within the site compared to the existing development to the south of the site and rise gradually from the south eastern corner up to the northern end of the site.

DESCRIPTION OF PROPOSAL

The proposal has been amended since the original submission and in summary comprises of the following:

- Provision of vehicular access from St Michael's Gardens.
- Three areas of open space would be provided, a lower open space in the south east corner of the site, a central open space, extending the open space to be provided within the scheme to the west of the site and an upper open space located alongside the northern site boundary.
- The application proposes the erection of 89 residential units comprising a mixture of traditional dwellings with private gardens and flats.

- The scheme would comprise eight 1 one bedroom flats, thirty seven 2 bedroom units (comprising five flats and thirty two dwellings), thirty five 3 bed dwellings nine 4 bed dwellings.
- 31 affordable dwellings comprising the following: Eight 1 bed, thirteen 2 bed, 8 three bed, 2 four bed units.
- The gross density (the whole site including open space) would be approximately 34 dwellings per hectare (dph). The net density (excluding open space but including roads and driveways) would be approximately 44 dwellings per hectare.
- Amended plans have been received which include the following amendments:
- Removal of 4 three storey buildings and replacement with two storey/two and a half storey.
- Installation of pumping station to lower open space.
- Setting of buildings away from eastern site boundary.
- Narrowing of lower public open space.
- Closing of vehicular access into the site from the development to the west of the site (Farley Fields).
- Minor alterations to include:
- Minor alterations to layout including schedule of house types, mix of house sizes.
- Alterations to landscaping scheme.

The application is supported by the following documents:

Design and Access Statement and Planning Statement

Habitat Survey

Archaeology and Heritage Assessment

Flood Risk Assessment and Drainage Strategy

Transport Statement

Travel Plan

Statement of Community Involvement

Arboricultural Constraints Report

RELEVANT HISTORY

14/03220/EIASS- Proposed residential development. Determined that Environmental Impact Assessment is not required 21/12/2012.

13/02239/FUL- Construction of 49 dwellings- Approved 23/12/2013.

12/04877/EIASS - Proposed residential development. Determined that Environmental Impact Assessment is not required 21/12/2012.

07/03984/FUL- Construction of 55 dwellings and means of access- Approved 27/03/2008

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.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal
Chapter 11 - Conserving and Enhancing the Natural Environment

Local Plan (2015)

The following Local plan policies are considered to be relevant:

SS1- Settlement Strategy
SS5- Delivering new housing growth
SS6- Infrastructure delivery
HG3- Affordable housing
TA4- Travel Plans
TA5- Transport impact of new development
TA6- Parking standards
EQ1- Addressing climate change in South Somerset
EQ2- General development
EQ3- Historic Environment
EQ4- Biodiversity
EQ5- Green Infrastructure
EQ7- Pollution Control

National Planning Practice Guidance:

The following sections have the most relevance:

- Determining an application.
- Design
- Planning obligations,
- Open space, sports and recreation provision, public rights of way and green space.
- Use of planning conditions.

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

South Petherton Parish Council (in response to original plans):- 'Recommend refusal on a number of grounds':

The Planning Committee unanimously voted to recommend refusal of this application for the following reasons:

- Because of a lack of jobs locally this proposed development will because of the price structure of the properties being envisaged will encourage a migration out of the village in the morning and in reverse in the evening with the occupants unlikely to add any benefits to the village during the week

- This migration will exacerbate the already existing traffic movement at busy times of the day as well creating an impact on the major feeder road being that of the A303
- As there is no provision for an alternative access to this proposed development it will as a result necessarily see a significant increase in the volume of traffic using it and turning on to Lightgate Road
- Lightgate Road is currently ill equipped to cope with existing traffic flows let alone an increase which this development will produce.
- Whilst it is accepted that there is nationally a housing shortage there appear no evidence that this is a problem here in Somerset
- The development will have an unnecessary impact on local infrastructure such as the local doctor's surgery and the two schools both in the long term and short term

County Highway Authority

Subject to conditions, a travel plan and a contribution towards upgrading local bus stops, the Highway Authority do not object to the proposal.

Concerns were raised over the tight radius of one junction within the site and the site access. Amended plans have been received which have addressed this issue and the Highway Authority have confirmed that the amendments are acceptable.

The travel plan and financial contribution towards bus stops will be secured through the section 106 agreement.

Highway Agency

Considered that the impact on the Hayes End junction would be acceptable and therefore do not raise any objections to the proposal.

Landscape Architect

Objected to the original proposal on the basis of the raising of the site levels, provision of three storey buildings and the provision of buildings in close proximity to the eastern site boundary.

Following the amendments to the scheme, including the landscaping proposal the Landscape officer has withdrawn the objection to the scheme.

Conservation Manager

Expressed concerns over the original application in terms of the three storey buildings within the proposal.

Planning Policy

The comments from the policy department are set out below:

"The proposal is located outside (albeit adjacent) the development area, and is therefore not in accordance with 'saved' Policy ST3 in the adopted Local Plan. However, the policy framework provided by the extant Local Plan (1991 - 2011) is time-expired and becoming increasingly out-of-date, with certain policies not fully consistent with the National Planning Policy Framework (NPPF). In this context the application must be considered in light of the NPPF, 'saved policies' in the adopted Local Plan, and the emerging Local Plan (eLP). The Council considers that it has a five-year supply of housing land, plus the appropriate buffer (of 20%), although it should be noted that this is currently being challenged at planning appeals.

Although saved Policy ST3 has sustainability aspects which are in line with the general thrust of the NPPF, given the age of this policy it is considered to be overly restrictive in relation to positively seeking opportunities to meet development needs (NPPF, para 14).

The NPPF states (para 216) that the more advanced the stage of preparation, the greater the weight that may be given to emerging plans. The emerging Local Plan (eLP) is at an advanced stage, having been submitted to the Secretary of State in January 2013 and recently subject to consultation on Main Modifications. South Petherton is identified as a Rural Centre in the eLP, and around 229 dwellings should be delivered at the settlement over the plan period 2006-28. As at March 2014, 143 dwellings had been completed in the plan period to date (2006-14), with a further 87 dwellings under construction and 'committed' (granted planning permission but not yet started); meaning a total of 230 dwellings either built, under construction and/or committed at South Petherton. The current proposal would mean an increase of 90 dwellings compared to the eLP guideline housing figure (giving a total of 319 dwellings at South Petherton over the plan period) so is not fully in accordance with the eLP. However, it should be noted that the district-wide figure of 15,950 dwellings represents a minimum requirement, so there will be settlements across the district where it will be appropriate to exceed the settlement specific figures. Nonetheless, the scale of growth should be appropriate to a settlements' role and function.

The eLP Policy SS5 outlines a "permissive approach" prior to the adoption of the Site Allocations Development Plan Document when considering housing proposals adjacent to the development area at Rural Centres. The overall scale of growth (i.e. 229 dwellings planned at South Petherton) and wider policy framework are key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. Approval of this proposal would lead to 319 dwellings at South Petherton over the plan period, compared to 374 dwellings at the Local Market Towns of Somerton, Castle Cary and Langport/Huish Episcopi; therefore development at South Petherton would still be over 50 dwellings below settlements in the next 'tier' of the settlement hierarchy.

Regarding South Petherton's role and function, it currently has a population of 3,100 people, of which 1,400 are economically active, but there is a workplace population of just 600 people (Census 2011, figures rounded to nearest 100). It has a reasonable range of services and facilities including several shops, post office, library, GP surgery and a hospital. There is also an hourly bus service to Yeovil.

The proposal is located on Grade 3a agricultural land, considered best and most versatile in the NPPF - local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality (NPPF para 112). It should be noted that much of the area surrounding South Petherton is classed as best and most versatile agricultural land, with Grade 1 predominating.

Overall, the proposal is not in accordance with either the adopted Local Plan or the emerging Local Plan. However, the NPPF is an important material consideration, particularly in the absence of an up-to-date adopted Local Plan, and the various planning issues should be weighed up, considering the presumption in favour of sustainable development in the NPPF, para 14. The relatively large increase in housing above the guideline figure for South Petherton in the eLP is an important issue, which should be considered alongside other site specific impacts; and then compared with the benefits of additional housing (including 31 affordable dwellings) at South Petherton".

Housing

Confirmed that the allocation of 31 units meets the 35% requirement on the site.

Concern was originally expressed over the proposed tenure split to include 'affordable rent' rather than social rent. The applicant have since indicated that two thirds of the units will be social rented in accordance with Council policy and the remaining units will be 'intermediate'

(shared ownership).

Some concern was expressed over the size of some of the units not meeting the HCA (Homes and Communities Agency) standards, in particular the 2 and 3 bedroom dwellings. It is also noted that the 3 and 4 bedroom units on the amended scheme are 3 bed five person and 4 bed six person instead of six and eight person units.

Community, Health and Leisure (SSDC)

Seeks a contribution total (including a 1% monitoring fee) of £392,306 (£4408.00 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved. This can be broken down as follows:

- £216,357 to be used for local facilities (equipped play space, youth facilities, playing pitches, changing rooms, community halls)
- £102,718 to be used for strategic facilities (Art centres, grass pitches, swimming pools, indoor tennis centres, sports halls)
- £69,346 as a commuted sum towards local services
- £3,884 as the Community, Health and Leisure Service administration fee.

County Education

Advises that the local junior school is already over-subscribed and will come under increasing pressure as the Hospital Lane development progresses (Ref 13/02239/FUL). The proposed development would equate to ten junior school places and additional capacity will be required at the school when funds permit.

Developer financial contributions should therefore be secured through a S.106 agreement for this purpose. Total contributions required would be £122,570. This sum is correctly referred to in the Planning Statement submitted with the application.

Concern is expressed over the trigger for payment of 'occupation of the 70th dwelling'. A revised trigger of the 40th dwelling is suggested.

Environmental Protection

Recommend an informative regarding the submission of soil testing results.

Streetscene/Parks services

No objections in principle, however some concerns are raised over aspects of the landscape design. In particular, the design/appearance of the planting to the central open space and the siting of soakaways within this area and the potential restriction this will have on future plans for the space. These comments are largely maintained following receipt of the amended layout.

Rights of Way Officer (SCC)

No objections are raised and some generic comments are provided regarding health and safety, closure orders etc.

The following areas for specific comment are raised:

Footpath Y24/55 -

It is not clear what the impact would be on the footpath at the northern end of the site would be. This should be clarified.

Footpath Y24/53 (southern boundary) -

This path is poorly supported and is subsiding as a result of the previous development. Details of how this would be supported should be secured via a condition. Trees should be removed

from the footpath. Consideration should be given to removing street lights. The post and rail fence obstructing the footpath should be removed. Consideration should be given to the safety of pedestrians through the highway design stage.

Links to medical centre-

An offroad alternative to Hamsfield Lane (linking to the medical centre) would be of benefit as Hamsfield Lane is used by vehicles.

Link to Silver Street-

It has been suggested that the link to Silver Street is upgraded and this could be achieved through a S.106 agreement. However, SCC would not be able to progress this project and therefore it would need to be for SSDC to progress.

Ecologist (SSDC)

The hedge to the northern boundary has most potential to provide habitat for wildlife and foraging for bats. The retention of a green corridor to the northern boundary is supported.

There is the potential for adverse impacts on slow worms if they are present on the site and these are a legally protected species. Recommends that a condition to secure protection measures for reptiles and a separate condition to secure biodiversity enhancements.

Senior Historic Environment Officer (SCC)

Notes the desk based assessment submitted with the application and concludes that a programme of archaeological work be secured through a planning condition.

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

SSDC Drainage Engineer:

Has commented that the drainage scheme would be on the basis of retaining water on site to mimic existing conditions.

Has further commented that he would like to see some additional technical details regarding the additional volume required for the soakaway, ground levels and construction details.

In addition to the above, some concerns are expressed over maintenance arrangements for the soakaways particularly where these are to be located across rear gardens as on going maintenance is required to enable the performance of the soakaways to be maintained.

Environment Agency

No objection subject to conditions regarding surface water drainage and maintenance of the drainage system and contaminated land. In formatives are recommended regarding (amongst other things) water conservation, waste management, pollution prevention during construction and permits for the pumping station.

Tree Officer

Initially raised concerns to the proposal due to the raising of site levels along the eastern boundary and the effect this would have on trees in the vicinity. On the basis of amended plans has commented that no objections are raised to the proposal subject to a tree protection condition.

Wessex Water

Advise that the site will be served by separate systems of drainage constructed to current adoptable standards and provide general comments relating to the following: Predicted foul

flows from the development only may connect to the sewerage network, surface water will be discharged via soakaways, the water supply modelling team are assessing the water supply requirements for this site to determine the need for off site reinforcement. This will be covered by the Water Industry Act.

Connection to the foul sewer in St Michaels Gardens will be subject to confirmation of flow rates and pumping arrangements under Section 104 of the Water Industry Act.

Confirmation of Pumping Station arrangements will be subject to Sewers for Adoption design and pumping station addendum (7th edition).

Wessex Water would prefer raising the site levels to negate the need for a pumping station.

Open spaces society

Objected to the application on the following grounds:

Poor design. Vehicular access through St Michaels gardens will cause congestion and will be dangerous for pedestrians. Adverse impact on local schools in terms of generated places. Adverse impact on local footpaths resulting from the previous scheme. This application should correct previous mistakes such as removing trees and street lights and correcting ground instability on the path along the southern boundary.

NHS

Have not objected to the scheme. Have commented that the adjacent surgery has been built with capacity for additional housing resulting from this application. The funding for practices is largely generated through capitation payments based on the numbers of patients registered. This funding is used by the practice to employ staff and run services

Somerset Wildlife trust

Object to the proposal on the basis of a lack of ecological mitigation within the proposal, loss of hedgerow and potential for adverse impact upon protected species.

REPRESENTATIONS

Representations from 66 neighbours were received in response to consultation on the application. 62 of these representations were objecting to the proposal and 4 making representations. The following objections are raised:

Representations

Design

- Poor design that does not consider the local architectural vernacular
- 3 storey buildings out of keeping with local character
- Inadequate provision of public open space

Historic Interest and Geology

- Site of historic Petherton Quarry
- Fossil and geological finds on site

Policy

- Cumulative effect of new developments - Overdevelopment
- Does not accord with Local Plan Policies (specifically saved Policy ST3) - not a sustainable location, inadequate access, infrastructure and school places.
- Already a 5 year land supply demonstrated - noted difficulty selling houses in the previous developments
- No local demand for new houses - indicated by slow sell rates in previous

developments in South Petherton

- No proven demand for houses in South Somerset
- Site not included in the Core Strategy
- Development based on old polices not compliant with NPPF
- Existing brownfield sites in larger centres should be utilised instead of agricultural land in smaller settlements.
- Loss of Towns character
- District Infrastructure insufficient to cope with new developments (District-wide)

Social

- Increased pressure on town services - particularly of local schools and doctors surgery (especially in light of other developments in town)
- Inappropriate ratio of children to households used when assessing education provision.
- Local Shops unable to cater for the demand from new residents
- Increased noise and pollution levels (especially from extra traffic)
- Lack of employment to support the residents of the development
- Proposed footpath would directly overlook into consultation rooms at the surgery
- Disruption and noise from construction traffic
- No benefits to local people or businesses

Highways & Parking

- Increased traffic danger to residents
- Concern over extra traffic and unsuitable roads-unsuitable for traffic and pedestrians
- Particular concern over HGV's
- Parking provision already inadequate and can-not accommodate the new development
- Particular concern over school parking and safety
- Lack of provision for public transport
- Cumulative effect of construction traffic for all the new developments
- Road access and layout could be much improved with alternatives suggested in representation
- Traffic Survey was inadequate
- Extra pollution, noise and vibration from new traffic.

Ecological

- Loss of wildlife habitat for slow worms, grass snakes, bats and insects
- Wildlife corridors should be considered
- Loss of hedgerows and trees
- Loss of Agricultural Land
- Encroachment on open countryside
- Loss of green space in South Petherton

Flooding

- Current drainage system at capacity
- Inadequate drainage to accommodate extra run-off

Other

- Attitude to developer towards the public consultation process
- Problems with construction traffic for current development
- Visitation of site by staff who assess the application
- Design at odds with Farley Fields development
- Insufficient thought paid to the local settlement character and impact on residents
- Service works not included in planning application

- Sewage Infrastructure

The following comments were received in relation to the amended plans consultation making the following additional objections and representations.

- The closing off of the vehicular links from the development into Lime Kiln Avenue will be an improvement for residents of St Michaels gardens.
- The closing of the vehicular links into Lime Kiln Avenue will leave only one vehicular access next to an open space which will be a health and safety issue.
- The lowering of ground levels is welcome, however the pumping station raises new concerns.
- The pumping station will require a three phase electrical supply and can therefore be affected by power cuts.

CONSIDERATIONS

The main planning considerations for this application are considered to be; the principle of residential development of this site; impact upon highway safety; impact upon neighbouring amenity; landscape impact/design; and planning obligations.

The principle of residential development of this site

The current Local Plan was adopted by the Council on the 5th of March (this is referred to as the emerging Local Plan in the Policy Departments consultation response).

Local Plan policies SS1, and SS5 are of most relevance to the principle of residential development on this site. The Local Plan identifies 4 tiers of settlement within which housing development is acceptable in principle. These are Yeovil as the most significant centre, 'secondly market towns' such as Chard, thirdly 'local market towns' such as Castle Cary and the fourth tier is settlements classed as 'rural centres' which includes (amongst others) South Petherton, Milborne Port and Bruton.

Policy SS5 sets out the expected housing numbers for the various settlements over the plan period (up to 2028). The total housing requirement for South Petherton over the plan period is 229 dwellings. As set out within the planning policy response, as at March 2014, 143 dwellings had been completed in the plan period to date (2006-14), with a further 87 dwellings under construction and 'committed' (granted planning permission but not yet started); meaning a total of 230 dwellings either built, under construction and/or committed at South Petherton. This would equal the expected housing figure for South Petherton for the period up to 2028. Approval of this scheme would exceed the guideline figure in policy SS5 by 90 dwellings.

However, it cannot be assumed that every one of the 87 dwellings consented is deliverable and therefore will be constructed, although the percentage that would not be delivered would probably be relatively low. It should also be noted that the housing figure for the whole South Somerset district over the plan period of 15,950 is a minimum figure. The figures within SS5 are also expressed as a minimum requirement.

Of significance to these considerations, policy SS5 emphasises the requirement to maintain the settlement hierarchy outlined above and ensuring 'sustainable levels of growth' in all settlements'. It is considered that the resulting housing number would not be so in excess of SS5 that it would not be commensurate with the overall scale of South Petherton.

Whilst the site is not 'allocated' in the Local Plan, policy SS5 identifies that a permissive

approach will be taken prior to the consideration of 'site allocations'. As such, individual applications will be assessed on individual merits rather than being considered unacceptable on the basis of being submitted for consideration prior to housing sites being allocated.

It should also be considered whether the proposal would represent 'sustainable growth'. In this regard, the site is considered to be a logical location to accommodate growth given the relationship with existing recent development, including dwellings and the adjacent medical facilities. It is further noted that there is acceptable infrastructure adjoining the site in terms of vehicle and pedestrian accessibility.

Having regard to the above, it is considered that the principle of residential development is acceptable, however the acceptability of the proposal is dependant on the planning considerations detailed below.

Impact upon highway safety

Subject to conditions and a travel plan, the Highway Authority have confirmed that they have no objection to the amended plans both in terms of the overall impact on the wider highway network and in terms of the detailed layout of the proposed development.

The requested conditions include (amongst other things) means of access, parking and visibility.

In terms of parking, the scheme is considered to provide an acceptable level of provision, however amended plans are awaited which include some additional parking spaces.

The County Council has an adopted parking strategy which sets out optimum parking standards for development. Having regard to the location of the site the strategy sets out the following optimum standards:

- 1 bedroom unit- 1.5 spaces
- 2 bedroom unit- 2 spaces
- 3 bedroom unit- 2.5 spaces
- 4 bedroom unit- 3 spaces

In terms of the overall number of spaces the development would comply with the total number of spaces required having regard to the parking strategy. However, there are some examples within the development where the provision for individual plots would be below the standard (others provide over the standard). For example two 4 bedroom units would have two spaces each instead of three, two other 4 bedroom units would have 'undersize' garages which provide the third spaces, the 1 bed units overall would provide 1.25 spaces per unit instead of 1.5 and provision for the 2 bed units would be one space for two of the plots and for two other units would include 'undersize' garages as the second space.

Notwithstanding the above, given that the overall provision accords with the parking strategy, it is considered that the impact of a slight under provision for some of the plots would not result in an impact of such significance to justify refusing the application.

In terms of the impact of construction traffic, the Highway Authority do not object to the proposal. The site levels have been designed to achieve as close as possible a 'balance' in terms of material on site to ensure that large amounts of soil import or export are not required.

Whilst not requested by the Highway Authority, given the residential nature of the construction access it is considered reasonable to condition secure agreement of a construction environmental management plan. This will ensure agreement of measures to minimise disruption to local residents.

Landscape Impact/Design

The site is physically contained on three sides with a hedge along the eastern, northern and western site boundaries. The boundary to the south would be open with proposed dwellings fronting the existing access road.

Other than for the creation of the central open space and the provision of pedestrian linkages, the existing hedge boundary to the northern, eastern and western boundaries would be retained.

The application in its original form was considered to be very poor in terms of the standard of overall design. However, amended plans have been received that have made significant alterations to the scheme as outlined at the start of this report.

A significant alteration to the scheme is the inclusion of a pumping station which will allow the proposed dwellings to be set at approximately the existing ground levels within the site. This will significantly reduce the visual profile of the development when viewed from vantage points outside the site. In addition, the layout has been reconfigured to provide approximately a 22 meter buffer between the proposed dwellings and the eastern boundary and the three storey buildings have been removed from the scheme.

The applicants have worked with the Councils Landscape Officer on amending the landscape scheme. This includes the provision of an acceptable number and variety of trees and shrub planting within the scheme. The existing trees to the eastern site boundary would be retained and these would provide some softening to the visual impact of the scheme and will assist in assimilating the scheme into the wider landscape. Given the importance of these trees, it is recommended that measures for their protection during construction are secured through a planning condition.

Having regard to the above, it is considered that the proposed development would have an acceptable impact on the immediate and wider landscape.

In terms of design details, the proposed dwellings would be of simple design and do not contain features that would be overly incongruous or visually jarring and they would be similar to those in the adjoining development to the west of the site.

Notwithstanding the above, the mix of materials within the scheme can be tailored to reflect local character. It is considered that there is an over provision of red brick within the scheme, particularly to the eastern boundary where the proposed dwellings would have most impact on wider views. However, it is accepted that some red brick would be acceptable given the context of the development. As such a planning condition requiring a revised scheme of materials is considered necessary and reasonable.

The density of the proposal would be relatively high at 35 dph (gross) and 44 dph (net). This compares with 32 dph (gross) and at the adjoining site to the west and 44 dph (gross) at the older site to the south of the site. As such, whilst the density is relatively high for a village edge location, it would not appear out of place alongside this existing development.

As such the scheme is not necessarily acceptable or unacceptable on the basis of the density alone. The acceptability of the scheme depends on the detailed design. One of the issues that the amended plans have addressed to some degree is the relative dominance of car parking to the building frontages. It is noted that the road into the development now has pairs of semi detached dwellings to the eastern side of the road with parking in between the dwellings and other minor improvements have been sought across the site for example, utilisation of parking courts and additional soft landscaping such as trees and 'instant hedgerow' to soften the visual

impact of parked cars. Having regard to these improvements, it is considered on balance that the proposal is acceptable in this regard.

Having regard to the above, subject to conditions, the proposal is considered to accord with policy EQ3 of the South Somerset Local Plan.

Planning Obligations

Policy SS6 of the Local Plan allows for the provision of planning obligations to provide or contribute towards community facilities directly related to and commensurate with the proposal. The level of planning obligations sought are considered to be in accordance with the NPPF and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (2010). Planning obligations in this instance include contributions towards sports and leisure facilities, provision of affordable housing, education provision and travel plan.

The SSDC Community, Health and Leisure department have assessed the proposals and have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £193,800.45 (£3,955.11 per dwelling). These contributions will be secured through the S. 106 agreement.

Affordable Housing

The applicant has confirmed that 31 of the 89 proposed properties will be affordable in accordance with policy HG3 of the South Somerset Local Plan.

There is one additional 3 bed unit and one less 2 bed unit compared to the mix suggested by the housing officer. Whilst the proposed mix differs slightly, it is considered that the difference is minimal and the proposal will nevertheless meet an affordable housing need.

It is noted that the floor areas for the 2 and 3 bedroom units would not comply with HCA guidelines and it is further noted that the 3 and 4 bed units are 5 and 6 person dwellings rather than 6 and 8. However, the particular housing provider that the developer is understood to be in discussions with have previously accepted slightly undersize units and it is further noted that 2 and 3 bedroom affordable units are more generous in terms of size compared to the open market units. Overall, it is considered that the slight shortfall in floor area of some affordable units is considered to be acceptable and it is not considered sufficient grounds to refuse the application.

The Housing Officer has also requested in their consultation that the units should be 'pepper potted' throughout the site and that the units are developed to blend in with those proposed. In this case, the units are designed to blend into the development as a whole and they are not located in a poor quality part of the site in terms of overall outlook. As the proposal is considered to be acceptable in this regard.

Education

The development would generate the need for an additional six junior school places, and as the local junior school is currently over capacity a contribution will be required. The cost per place being and a contribution of £122,570 has been requested from the County Council to provide additional provision in the future.

Concerns have been raised by local residents and the Parish Council in terms of the number of school places the proposed development would generate and there are concerns that the predicted number of school places given by the County Council are an underestimate. This concern is acknowledged. However, the applicants have proposed to meet the financial contribution required by the County Council and as such they County Council do not object. The County Council have stated that the triggers for payment should be earlier than the

applicant has proposed (40th dwelling) and this will be secured through the S. 106 agreement.

Impact upon residential amenity

The impact on the amenities of existing occupiers is considered to be acceptable given the distances and orientation of the proposed dwellings in relation to the existing dwellings alongside the southern and western site boundaries. In addition to this, the layout of dwellings within the site is such that there would be acceptable conditions for future occupiers in terms of privacy. All of the dwellings (not flats) would have access to a private garden. Whilst some of the flats would not have this facility, there is access to a range of open space nearby and therefore the scheme is acceptable in this regard. Consequently, it is considered that the proposed dwellings will have an acceptable impact on the amenities of current and future occupants and therefore accords with policy EQ2 of the South Somerset Local Plan.

Other Issues

Drainage/flood risk

The application is accompanied by a Flood Risk and Drainage Assessment which has been amended to accommodate the revised layout. The site is located within Flood Zone 1, low risk, and hence suitable for all development according to the NPPF.

The drainage scheme works on the principle of retaining all runoff water within the site to mimic existing conditions. It is noted that the Environment Agency have not objected to the proposal subject to a condition to agree a drainage scheme.

The Councils engineer has not objected to the proposal in principle, however some additional technical details have been requested including details of the proposed management arrangements for the drainage scheme. These details have been requested and committee will be updated with these details at the committee meeting.

Overall, the aims of the drainage strategy are considered to be acceptable. Notwithstanding the submission of an outline drainage scheme, it is considered that there is sufficient information to be confident that an acceptable scheme can be achieved. It is recommended that this is secured through a planning condition.

Public Rights of Way

The public rights of way officer has not objected to the proposals. It is considered necessary to include a condition in relation to the potential footpath links to the northern and eastern boundaries. An informative is recommended regarding the link to the eastern boundary advising the developer to contact the developer and the relevant landowner(s) to make arrangements for the link to be achieved.

Comments are submitted by the Rights of Way Officer in relation to the footpath along the southern site boundary. There are some outstanding issues relating to the existing development along the southern site boundary and the presence of trees and streetlights in the line of the public footpath. This is considered to be an issue for resolution between the County Council and the developer.

There is also subsidence of the tarmac surfaced footpath at the south eastern corner of the site. The subsidence could potentially be resolved via strengthening of the bank within the application site. It is considered that a condition is an appropriate mechanism to resolve this stability issue.

Wildlife

The Habitat Survey Report which accompanies the application advises that the site could

contain reptiles and therefore there could be harm to a protected species. A condition requiring a mitigation plan for the protection of reptiles is recommended.

Paragraph 18 of the NPPF requires that development delivers ecological enhancement. It is therefore considered necessary and reasonable to include an appropriate planning condition to secure agreement of these measures and their implementation.

Travel Plan

The applicants have been in on going discussions with the County Council to agree the content of the travel plan and it is understood that the content has now been agreed in principle. Once agreed with the County Council, the measures within the travel plan will form part of the S. 106 agreement.

Having regard to the scale of the development it is considered necessary that the content of the travel plan is secured through a S. 106 agreement.

Agricultural land

The proposal would result in the loss of grade 3a agricultural land. The NPPF requires that planning authorities take into account the economic and other benefits of the best and most versatile agricultural land and to seek the use of areas of lower quality in preference.

The response from the planning policy department confirms that the grade 1 land predominates around South Petherton. It is accepted to a certain degree that the provision of housing to meet the needs of the district are not compatible with a desire to protect all higher grade land. Notwithstanding this, the loss of grade 3a land has to be balanced against the benefits of the proposal. The overall need for housing within the district, the social and economic benefits and the acceptability of the site in landscape terms weigh in the schemes favour. Overall it is considered that the benefits associated with the provision of housing outweigh the harm associated with the loss of the land.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, a screening opinion was issued in December 2014 (12/03320/EIASS). The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment. It was determined that in this case an Environmental Impact Assessment was not required.

Conclusion

The proposed development is located in a sustainable location, provides considerable social benefits such as affordable housing and will provide a relatively significant contribution to overall housing supply within the district. The impacts of the scheme would be acceptably mitigated through planning obligations and is considered to be acceptable in terms of residential amenity, highway safety and visual amenity. As such, is considered that the proposal would accord with the definition of sustainable development set out in paragraph 7 of the NPPF. Notwithstanding the inconsistency with the guideline housing number specified in policy SS5, it is nevertheless considered there is general compliance with the aims of policy SS5 and the proposal would not conflict significantly with the 'settlement strategy' for the district outlined in policy SS1 and SS5.

Having regard to the above, given the material considerations discussed in the report and the lack of demonstrable harm and overall compliance with the development plan, it is recommended that planning permission is granted.

RECOMMENDATION

Subject to confirmation of receipt of acceptable amendments in relation to the provision of additional parking spaces, APPROVE planning application no. 14/04142/FUL subject to:-

- 1) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure the following;
 - a) The agreed contribution to off-site play provision (to the satisfaction of the Local Planning Authority):-
 - £216,357 to be used for local facilities.
 - £102,718 to be used for strategic facilities.
 - £69,346 as a commuted sum towards local services.
 - £3,884 as the Community, Health and Leisure Service administration fee.
 - b) To ensure that 31 of the residential units are affordable, two thirds social rented and remain available long term to satisfy local need as set out by policy HG3 of the South Somerset Local Plan (to the satisfaction of the Local Planning Authority);
 - c) Contribution towards education of £122,570 to provide additional school school places. Trigger for payment of the contribution by the occupation of the 40th dwelling.
 - d) An appropriate Travel Plan which includes any necessary financial contributions as required by Somerset County Council.
- 2) The following conditions:
 01. The proposed development is located in a sustainable location, provides considerable social benefits such as affordable housing and will provide a relatively significant contribution to overall housing supply within the district. The impacts of the scheme will be acceptably mitigated through planning obligations and is considered to be acceptable in terms of residential amenity, highway safety and visual amenity. As such, is considered that the proposal would accord with the definition of sustainable development set out in paragraph 7 of the NPPF. Notwithstanding the inconsistency with the guideline housing number specified in policy SS5, it is nevertheless considered there is general compliance with policy SS5 and the proposal would not conflict significantly with the 'settlement strategy' for the district outlined in policy SS1 and SS5 and complies with the requirements of policies SS6, HG3, TA4, TA5, TA6, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2015).

SUBJECT TO THE FOLLOWING:

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

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

02. Other than as required by the following schedule of conditions, the development hereby permitted shall be carried out in accordance with the following approved plans:
101 Rev. C; 100 Rev. G; 207-1 Rev. A; 211 Rev. E; 105 Rev. D; 200 Rev. G; 207-2; 209 Rev. C; 210 Rev. B; 107 Rev. E; 104 Rev. D; 106 Rev. E; 112; 110 Rev. D; 111 Rev. C; 301 Rev. D; 300 Rev. D; 302 Rev. B; D1161P3TPP; 208 Rev. B; 120-1-1 Rev A; 121-1-1 Rev A; 121-1-2 Rev. A; 140-1 Rev. B; 126-3-1; 128-3-1; 120-3-1 Rev. A; 133-1-1 Rev. A; 130-1-1 Rev. A; 132-1-1 Rev. A; 124-1-1; 124-4-1 Rev. A; 132-4-1; 136-4-1; 137-4-1; 138-4-1; 130-5-1 Rev. A; 132-5-1 Rev. A; 121-3-1 Rev. A; 124-3-1; 121-2-1 rev. A; 124-2-1; 124-2-2 rev. A; 128-2-1; 138-4-1; 108 Rev. B108-1; D11 61 P1 only.

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

03. Notwithstanding the details submitted within the approved plans, no development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a. revised schedule of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
 - c. panels of brickwork and stonework shall be provided on site for inspection;
 - d. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - e. revised particulars of boundary treatments, including at the turning heads adjacent to plots 36 and 37 and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
 - f. details of meter cupboards and gas boxes, including location, colour and finish;

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ3 and ST6 of the South Somerset Local Plan 2014.

04. No development hereby approved shall be carried out until a drainage scheme for foul and surface water drainage 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 satisfactory drainage at the site.

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface and foul water drainage system, including a schedule of maintenance, including timetables and funding thereof has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes

06. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

07. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters.

08. The completion of all communal public areas (including all open space identified on plan no. 210 Rev. B), all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping, Drawing No.'s 300 Rev. D; 301 Rev. D and 302 Rev. B; and foot path links as indicated on the approved plans shall be carried out and in accordance with a phasing and timetable to be agreed in writing by the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with Policy EQ3 of the South Somerset Local Plan (2015).

09. The hedgerow to the northern and eastern site boundaries and existing trees to the eastern boundary identified on plan No. D11 61 P1 shall be retained and shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as

soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy EQ3 of the South Somerset Local Plan (2015).

10. The development hereby permitted shall not be commenced until a scheme for the maintenance, including satisfactory details of the funding arrangements and a schedule of maintenance of the communal open spaces (including site boundaries) scheme shown on the submitted plan no. 210 Rev. B and a timetable for the implementation of the approved scheme. Once approved the approved scheme shall be adhered to unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure appropriate provision of cycle access within the site in accordance with Policy TP4 of the South Somerset Local Plan (2015).

11. No works shall be undertaken on site unless a scheme for the mitigation of impacts on reptiles and amphibians (including a scheme of appropriate working practices should reptiles or amphibians be encountered) and a programme of implementation has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and programme of implementation.

Reason: To mitigate the impacts on amphibians and reptiles in accordance with policy EQ4 of the South Somerset Local Plan (2015).

12. No works shall be undertaken on site unless a scheme of ecological enhancements and a management scheme for all retained and new habitats for the site has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall remain in perpetuity in accordance with the approved details.

Reason: To ensure ecological enhancements within the site in accordance with policy EQ4 of the South Somerset Local Plan (2015).

13. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure that archaeological remains are adequately recorded having regard to policy EQ3 and the relevant sections of the NPPF.

14. No development hereby approved shall take place until details of the construction and materials for the footpath links to the eastern site boundary, through the central open space and through the open space alongside the northern boundary, including construction details at the point of access onto existing rights of way and details of the provision of any associated infrastructure such as gates have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable level of pedestrian permeability to accord with policy TA5 of the South Somerset Local Plan (2015).

15. The proposed internal layout, 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 (2015).

16. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 x 43 metres back and parallel to the nearside carriageway edge over the entire site frontage at the south western boundary of the site. Such visibility shall be fully provided before works commence on the development hereby permitted 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 (2015).

17. 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 vehicular routes to and from the site;

Hours of construction and deliveries.

Expected number of construction vehicles per day;

Car parking for contractors;

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.

A scheme to ensure that all vehicles associated with the development when leaving the site do not emit dust or deposit mud or debris on to the highway. The agreed scheme shall be in place for the duration of the construction of the development hereby approved.

Reason: To prevent pollution to the land and water environment and to protect the amenities of local residents and occupiers and in the interests of highway safety in accordance with policy EQ2 of the South Somerset Local Plan (2015).

18. No development hereby approved shall be commenced until details of the pumping station, including materials, finish, hardstanding and boundary treatment have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity to accord with policy EQ3 of the South Somerset Local Plan (2015).

19. The earth banking within the lower open space adjoining the south western site shall be carried out in accordance with plan No. 111 Rev. C. Details of the making good and reinforcement of the existing bank at this location shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the enjoyment of users of the public right of way in accordance with policy EQ2 of the South Somerset Local Plan (2015).

20. No development hereby approved shall be commenced until details of the phasing of the overall development including construction and completion of the dwellings (including all affordable dwellings) and the completion of the open space and landscaping as agreed by this permission has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the comprehensive development of the site in accordance with policy EQ2 of the South Somerset Local Plan (2015).

Informatives:

01. Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager must be consulted.

Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

The applicant is advised that the County Highway Authority may require a condition survey of the existing public highway prior to the commencement of works. The applicant is further advised to contact the Highway Authority in relation to this matter.

02. The applicants attention is drawn to the informatives and notes contained within the Environment Agency's letter of 16th October 2014.
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