



The site is located at the northern side of the Village of Huish Episcopi, immediately north of the Old Kelways site. The site is bounded to the north and west largely by open fields; to the north-east are gardens of dwellings fronting onto Wearne Lane, which forms the remainder of the east boundary. To the south is the stone wall defining the previous boundary of the gardens associated with the Old Kelways seed business. Although not listed in its own right, this wall is listed by association with the principal listed building, Old Kelways. The land immediately south of the wall is now developed (housing), accessed off the B3153 (Somerton Road) via Peony Road, the main access to the Kelways buildings and the new housing developments. The site is within the 'direction of growth' for the Local Market Town 'Langport/Huish Episcopi' identified in the Local Plan.

Outline permission is sought for the development of housing on this 3.42 Ha site, with a total of 71 residential units proposed. The only detailed matter for which approval is sought is access, with the other matters (appearance, landscaping, layout and scale) reserved for later determination.

HISTORY

14/05235/LBC - Demolition of western end of wall - pending consideration

14/01747/LBC - The demolition of sections of existing perimeter wall and alterations - withdrawn

14/01746/OUT - Residential development of land for up to 71 dwellings, provision of roads and associated open space, demolition and alterations to wall - withdrawn

12/02197/EIASS - Proposed residential development of land - EIA not required

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006 - 2028)

SD1	Sustainable Development
SS1	Settlement Strategy
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
LMT2	Langport/Huish Episcopi Direction of Growth
HG3	Provision of Affordable Housing
HG5	Achieving a Mix of Market Housing
TA1	Low Carbon Travel
TA2	Rail
TA4	Travel Plans
TA5	Transport Impact of New Development
TA6	Parking Standards
HW1	Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development
EQ1	Addressing Climate Change in South Somerset
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity
EQ5	Green Infrastructure

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Climate change
Conserving and enhancing the historic environment

Consultation and pre-decision matters
Design
Determining a planning application
Environmental Impact Assessment
Flood Risk and Coastal Change
Health and wellbeing
Housing and economic development needs assessments
Land affected by contamination
Local Plans
Making an application
Natural Environment
Noise
Open space, sports and recreation facilities, public rights of way and local green space
Planning obligations
Renewable and low carbon energy
Strategic environmental assessment and sustainability appraisal
Transport evidence bases in plan making and decision taking
Travel plans, transport assessments and statements in decision-taking
Use of Planning Conditions
Waste
Water supply, wastewater and water quality

Policy-related Material Considerations:

South Somerset Sustainable Community Strategy
Goal 1 - Safe and Inclusive
Goal 2 - Healthy and Active
Goal 3 - Healthy Environments
Goal 4 - Quality Public Services
Goal 5 - High Performance Local Economy
Goal 7 - Distinctiveness
Goal 8 - Quality Development
Goal 9 - Homes
Goal 10 - Energy
Goal 11 - Environment

Somerset County Council Parking Strategy, March 2012 and September 2013.

CONSULTATIONS

Huish Episcopi Parish Council: *Huish Episcopi Parish Council considered this application at its meeting held on 8th December 2014. Since the rejection of SSDC's Core Strategy Plan covering development in this region up to 2028, Huish Episcopi Parish Council has been inundated with numerous proposed development plans for up to 250 further dwellings, not including industrial units. The present Plan still includes 374 properties up to 2028 for Huish Episcopi and Langport and 440 are already planned or built so far, outside of individual smaller applications.*

Huish Episcopi Parish Council should be able to influence where development is to take place, in order to provide the greatest benefit for the Huish Episcopi and Langport area, thus the Council is continuing to recommend rejection of any estate development applications at this time until specific local sustainability issues have been addressed. The increase in applications for large "green field" sites is seriously constraining the development of long

standing smaller "brown field" site permissions. There is no shortage of new houses currently available in Huish Episcopi.

The current water system was never designed for the present sewage and waste water levels. Wessex Water must be required to make a written commitment that the Langport and its surrounding area's system will be fully checked and certified as capable of taking and dealing with all the proposed new properties' waste and surface water. In the event of a subsequent system failure, it must agree to take full responsibility for rectifying and compensating anyone affected. It is now acknowledged that flooding in Langport is a probability and any new developments will add more sewage and surface water into the system, which can only exacerbate those flood problems.

A flooding problem already exists beyond the Northern side of the Old Kelway's wall. Wearne Lane is a single track which is signed as unsuitable for heavy vehicles. It is also subject to flooding and far too narrow to be considered an acceptable emergency access. No access can be gained to this proposed site without knocking down part of the Grade 2 listed wall, a condition which was applied when granting permission for 51 houses in Fern Road, Old Kelways.

If this proposal is granted, it would create two communities (52 houses Southern part plus a further 51 to the West, and 71 houses Northern part) divided by a huge wall with just a small gap to the Southern play area. In the Council's opinion this is undesirable and should be avoided.

According to the Local Plan para 4.45 M19, the NPPF states "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The argument that extra housing units will support services is not considered tenable when there is clear evidence in the last 30 years of substantial rural growth both nationally and in South Somerset, whilst rural services in both have continued to demonstrate steady decline". This is certainly demonstrated in the Huish Episcopi/Langport area. To make a community viable, people must have the opportunity of local work and there are very few new work opportunities in this area. Furthermore there is no sense in creating even more social housing in an area that currently has minimal local work opportunities. In the meantime it is therefore highly likely that each property will have at least two cars to add to the seriously congested road through the centre of Langport and the increasing problems with traffic volume through the present two adjoining estates.

The medical and dental facilities are also under considerable pressure. Huish Episcopi Parish Council finds it difficult to measure what the recent 450 properties already granted has provided for this community. The parish and town communities need to be brought closer together, but significantly increasing the number of dwellings in Huish Episcopi, the only area where they can be built, means that the gulf between the Huish Episcopi and Langport rates grows ever wider.

The Local Plan LMT2 Direction of Growth M131 clearly states that "all development must avoid coalescence with the settlement of Wearne" - it is impossible for this application to avoid effecting a merger with Wearne, since the Eastern fields back onto dwellings in Lower Wearne and, to the North, adjoin fields attached to dwellings in Wearne itself. Huish Episcopi Parish Council therefore strongly recommends refusal of this outline application and that any decision should be referred to the Area North Committee.

Langport Town Council: Members are concerned with the proposal to demolish and make alterations to the historic wall, and considered the proposals as over development and fully supports and endorses the Huish Episcopi Parish Councils response.

Planning Policy Officer: Consultation response received prior to adoption of the Local Plan, so reference is to the emerging Local Plan. The Local Plan was subsequently adopted in March; however, the comments remain pertinent: *Langport/Huish Episcopi is identified as a Local Market Town in the eLP, with Policy SS5 advocating around 374 dwellings at the settlement over the plan period 2006-28. As at April 2014, 236 dwellings have been completed over the first 8 years of the plan period, with a further 225 dwellings (at July 2014) either committed (granted permission but not yet started) or under construction; meaning a total of 461 dwellings built, committed or under construction at Langport/Huish Episcopi. If approval was granted for the proposal it would entail 532 dwellings at Langport/Huish Episcopi, taking it above Ilminster's eLP figure (496 dwellings) which is categorised as a Primary Market Town, the next 'tier' up in the settlement hierarchy. The Local Plan figure of 374 dwellings does not represent a maximum, particularly given that the district-wide figure of 15,950 dwellings is 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 - although the proposal in isolation only represents a small increase in the size of Langport/Huish Episcopi, it would lead to total housing numbers at the settlement being 42% higher than set out in Policy SS5.*

The proposal is located in the 'direction of growth' for Langport/Huish Episcopi, as set out in eLP Policy LMT2. This policy also states that development at Langport/Huish Episcopi will be subject to a project level Habitats Regulations Assessment of potential impacts upon the Somerset Levels and Moors Special Protection Area/Ramsar, with appropriate mitigation in the form of open space or other measures in place in advance of the development and agreed with Natural England.

The eLP Policy SS5 outlines a "permissive approach" prior to the adoption of the Site Allocations Development Plan Document when considering housing proposals in directions of growth. The overall scale of growth (i.e. 374 dwellings at Langport/Huish Episcopi) 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.

Regarding Langport/Huish Episcopi's existing role and function; the settlement has a population of 3,100 people, of which 1,500 are economically active (i.e. aged 16-74 and 'able' to work). There is a workplace population (aged 16 - 74 and in employment in Langport/Huish Episcopi) of 1,600 people (Census 2011, figures rounded to nearest 100), meaning around 1 workplace per economically active person which indicates a good level of sustainability, although there is notable out-commuting with 59% of people living in the Langport and Huish Ward travelling elsewhere to work (Census 2001). There are 1,400 dwellings in the settlement (Census 2011) and a good level of services and facilities, including a range of shops and a supermarket, GP surgery, primary school, secondary school, sports hall, and library. There is a relatively regular bus service to Yeovil and Taunton, including at the weekends.

Overall, Langport/Huish Episcopi is a settlement with a range of jobs, services and facilities that means it is a sustainable location for new development. The proposal is consistent with the eLP in being located within the 'direction of growth' for new development but, along with other recent housing development, it would lead to a scale of housing growth that is not in accordance with the eLP strategy with potential to harm the settlement hierarchy and lead to an unsustainable level of growth at the settlement. Growth beyond that identified in the eLP has potential to cause issues such as perpetuating out-commuting, lack of infrastructure capacity (e.g. emerging draft study indicates primary school may be over capacity by 2017 due to housing growth), and harm to the character of the settlement. In considering other consultee responses and determining the application, you will need to balance the level of

harm from the proposal and increase in housing above the eLP figure, against it being a generally acceptable site for development and the benefits of additional housing, including affordable housing. Finally, it is not clear whether the requirements of Policy LMT2 set out above relating to Habitats Regulations Assessment and appropriate mitigation have been addressed by the applicant.

Highways Authority: In a detailed consultation response, the following issues are examined:

- primary access proposal
- details of layout of access where two estate roads join, which might require later swept-path analysis
- proposed emergency access: it is noted that this would only be acceptable for occasional use; details will have to be confirmed at the design stage
- parking provision
- proposed estate roads, and
- submitted travel plan

No objection is raised. Conditions are suggested in relation to parking, internal works to roads etc., driveway gradients and surface water drainage. A Travel Plan should be secured by agreement.

SSDC Landscape Officer: *The fields lay within the scope of the peripheral landscape study (PLS) of Langport, which was undertaken during April 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to;*
<http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>

The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are subject of this application are evaluated as having a moderate-high capacity for development. Looking at the site potential, para 7.5 of the study noted that '.. with residential areas laying to north and west, further growth for housing would appear to be the appropriate option for development. Some consolidation of the area's northern boundary would be required, to provide a distinct edge, and containment of the town's northward extent relative to Wearne, and to ensure contained separation of the settlements.' Consequently, if a need for additional housing within Langport is identified, then from a landscape perspective, this location would be an area where development could be undertaken without too adverse an impact upon the landscape.

The application has included an LVIA (landscape and visual impact assessment) which has assessed the potential visibility of the site, and the likely impacts of development upon the site's fabric and its surrounds. The LVIA considers the site to be well-related to the historical growth of the town, yet not at variance with the pattern of the wider landscape, and predicts the likely landscape impact of development on this site to be no greater than minor adverse. In terms of predicted visual impacts, localised impacts of substantial to moderate magnitude within the immediate visual envelope are anticipated, lessening with distance (though acknowledging the sensitivity of views from higher ground around Wearne. The LVIA suggests mitigation in the form of on-site planting, particularly on the northern boundary, to create a distinct yet soft visual buffer between the proposed development and Wearne, and

sets out a landscape strategy on drawing 1026/07. I would not disagree with the findings of the LVIA, which concludes the site to be suitable for development, nor do I disagree with the form of landscape mitigation proposed.

I also note that the indicative residential layout is not at variance with the broad parameters for development set out by the PLS, and is structured in a manner that relates to the recent development to the south of the site. Hence I raise no landscape objection to this application.

Conservation Officer: No objection, subject to the changes to the wall only being allowed as part of the proposed residential development. Concern is expressed about retaining the ground levels adjacent to the wall at existing height (a condition is proposed to deal with this).

Ecologist: Sufficient surveys have been undertaken to enable an assessment of the likely impact. The following issues are highlighted and made subject to conditions, where necessary:

- Habitat loss, particularly relating to bats: compensation planting and habitat area to be provided;
- Badgers: there is evidence of badgers using the site; however, a survey and appropriate mitigation measures can be imposed at the detailed (reserved matters) stage;
- Reptiles: a mitigation plan will be required to prevent harm to reptiles; this can be secured by condition;
- Japanese Knotweed: a condition is required to ensure the eradication of this plant on site;
- Bird Nesting: condition required restricting period during which removal of vegetation should be undertaken
- Biodiversity enhancement: this will be required as part of the detailed submission.

Natural England: No objection.

SSDC Environmental Protection Unit: No comment.

SSDC Climate Change Officer: No objection.

SSDC Community, Health and Leisure: Contributions will be required for the provision of on-site and off-site play provision of recreational facilities as follows:

Capital Contributions:

- Equipped play space £95,043
- Playing Pitches £27,757
- Changing Rooms £56,356
- Community Halls Urban £36,367
- Swimming Pools (Community) £12,807
- Sports Halls (Community) £26,654

Commuted Sums:

- Equipped Play Areas £54,898
- Playing Pitches £19,806
- Playing Pitch Changing Rooms £4,534

Including admin fee, total contribution: £337,564 (£4,754 per dwelling)

The applicant has confirmed, as requested by CHL, that the provision of the locally equipped area of play (LEAP) is acceptable on site and can be secured by way of a S106 Agreement.

It is requested that this LEAP be shown on the submitted plans, in a specific place on the southern boundary.

SSDC Open Spaces Officer: Detailed comments are submitted on the indicative layout. Informal open space is adequately addressed (in the amount), and no objections are raised in this regard.

SSDC Strategic Housing Officer: No objection, subject to the appropriate provision of affordable housing at 35% of total (to be secured by agreement).

County Archaeologist: The CA is aware that prehistoric and Roman material has been discovered on site. Further investigations will be required. No objection is raised, subject to further investigations which can be secured by condition.

Environment Agency: No objection, subject to conditions.

Parrett Drainage Board: No objection, subject to condition.

Wessex Water: No objection is raised; advice is set out in relation to securing connections for the new development. It is also pointed out that the cost of new infrastructure will be borne by the development, under the Water Industry Act.

County Rights of Way: No objection.

County Education Officer: The development would require contributions to be made towards provision of additional primary school places: the amount to be secured by way of a S106 Agreement would be £171,598 (£2,417 per dwelling)

REPRESENTATIONS

At the time of writing, 36 letters of objection have been received. The following is a summary of the main points raised:

- there is no need for the housing
- the proposed housing is unsustainable in many respects, including: fostering growth in car usage; poor pedestrian and bus access; unavailability of local jobs; inadequate local services
- the proposed development exceeds planned provision for housing: the Local Plan would be prejudiced by the proposal
- the development will result in unacceptable noise pollution
- the proposal would cause unacceptable harm to a listed building, and the setting of listed building(s)
- the proposal would unacceptably increase traffic in the area
- access through an existing residential area is unacceptable and intrusive
- there proposal would be prejudicial to highway safety
- concern is expressed at the proximity of the access road to a children's play area
- any access along Wearne Lane would be unsafe; reference is made to Wearne Lane

- being a busy access route, and its poor geometry
- surface water drainage and local flooding are issues
- creation of new employment is questioned; reference is made also to poor local levels of employment
- the proposal would result in landscape harm, and harm to the character of the setting
- ecology and wildlife would be harmed by removal of mature vegetation and development of the site
- archaeological importance of the site is stressed, and concern raised that there could be harm to archaeological remains on site
- there would unacceptable loss of agricultural land of good quality
- services and facilities (water, sewer, drainage, schools, medical and dental services etc) are under strain and will be inadequate to serve the proposed development
- development of greenfield land is unjustified
- poor northern boundary containment: the proposal effectively links Huish to Wearne, beyond the wall which represents a clear divide
- the development effectively links Huish Episcopi and Wearne
- it is unacceptable to have housing development separated by a large wall, which would be the case with this development to the north of existing housing
- the character of the Old Kelways development will be harmed
- the unique identity of Wearne, as opposed to Huish Episcopi and Langport, has been poorly considered in the proposal details
- construction would create disruption, noise and pollution
- the design, detail and layout is at odds with local character
- there would be a loss of amenity: loss of privacy, overlooking, noise, overshadowing
- there would be loss of countryside views

CONSIDERATIONS

Principle of Development

The site falls within the identified direction of growth for the settlement of Langport/Huish Episcopi. The settlement is defined in the Local Plan as a 'Local' market town, one of three settlements in this third-tier designation, along with Ansford/Castle Cary and Somerton. It is regarded as a broadly sustainable location for development, providing a relatively high level of services and facilities, access to public transport and employment opportunities. Whilst an aspirational figure of 374 additional dwellings has been set (Policy SS5) for the settlement, at the current time a total of 461 dwellings can be enumerated in approvals and/or development under way or completed.

Although this figure exceeds the estimate within Policy SS5, it is noted that the policy refers to a future Site Allocations Development Plan, which would seek to firm up housing numbers by settlement, and seeks, in the meanwhile, to allow a 'permissive approach', using the figures set out as a guide. The approach seeks to retain the settlement hierarchy.

Housing Numbers in relation to District Target

The Policy Officer's comments above set out the relevant numbers of houses (proposed and approved) in Langport/Huish Episcopi:

Proposal: Policy SS5:	374 dwellings
Completed, April 2014:	236
Committed and under construction	<u>225</u>

TOTAL committed	461
Current Proposal:	71
Grand Total Proposed	532 dwellings

158 in excess of Policy SS5

These figures need to be considered against a district-wide (minimum) target over the plan period of 15,950 dwellings. It should also be borne in mind that, until a late stage in the Local Plan formulation process, the Council faced an overall shortfall in housing land provision, and an inability to demonstrate an adequate five-year housing land supply.

Although the figure represents a sizeable increase in the aspirational figure set out in the Local Plan for this settlement, the following points are pertinent:

- The figure in the Local Plan (374 dwellings) is not a stipulated maximum figure, but a guiding aspirational figure;
- Langport/Huish Episcopi is one of only 3 Local Market Towns, each estimated to be likely to be able to contribute 374 dwellings to the overall total target
- The site in question falls within the clearly demarcated 'direction of growth' for the settlement, and is directly adjacent to existing development, enabling a direct extension of the settlement. If any additional development is to be considered within this settlement, then this is one of the best-placed sites to achieve that.

On balance it is considered that the site represents a sustainable location for additional development. Although the proposal would increase the net provision of new housing in the settlement well beyond the aspirational figure set out in the Local Plan, against the background of the overall target of homes to be achieved in the lifetime of the adopted Local Plan, the net amount is not considered unreasonable. Although the number of houses is beyond the number currently being achieved in the smallest of the principal market towns (i.e. exceeding the current Ilminster figure of 496 by some 36 dwellings) which is not fully consistent with the settlement strategy, it is considered that this still broadly represents a sustainable level of growth given the range of jobs, services and facilities in the settlement.

The key deciding factor is considered to be the fact that this site is pre-eminently suitable for an extension to the settlement, being within the identified direction of growth, and immediately adjoining existing development. The locality is sustainable, with a wide range of local services and employment, and it is considered too early in the life of the Local Plan to seek to restrict development in an identified market town unless significant harm can be identified.

The principle of development of the site is therefore considered to be accepted.

On this basis the remaining key issues are considered to be:-

- Landscape and Visual Impact
- Highways Impacts
- Drainage
- Residential Amenity
- Relationship to Wearne
- Listed Building and Wall
- Detailed Design

Visual and Landscape Impact

The site is identified in the direction of future growth for the settlement. In arriving at this designation, a peripheral landscape study was undertaken as described in detail above by the Landscape Officer.

Highways Impact

The Highways Authority is satisfied that adequate, safe access can be achieved, for both vehicles and pedestrians, and has also engaged with local residents over detailed issues of pedestrian safety, traffic calming, etc., advising that the proposed layout and access complies with current road design guidance. Whilst comments are made on the layout submitted, these can be dealt with at the detailed design stage, and nothing has been raised that would support a refusal of the application on highway safety grounds.

Drainage and Flooding

Neither the Environment Agency nor the Internal Drainage Board has objected to the application, subject to appropriate drainage solutions being secured. The Drainage Board suggests a condition relating to foul drainage, but this is a building control matter and is not proposed for inclusion by condition.

Residential Amenity

The submitted layout is for indicative purposes, and development would be subject to a detailed, second-stage approval ('reserved matters'). It is considered that a final design could be achieved that would provide an adequate level of residential amenity for existing and future occupants.

Relationship to Wearne

Policy LMT2 of the Local Plan seeks to avoid the coalescence of the local market town (Langport/Huish Episcopi) with the village to the north, Wearne. The site is within the 'direction of growth', and is therefore appropriate for some extension of the settlement. It is considered that there is adequate potential, in the context of a future detailed design, to contain development at the northern extent of the development so that there is a clear buffer of land between this settlement and the village of Wearne, clustered mainly along Wearne Main Road, 200m to the north of the site.

Listed Building and Wall

The wall along the southern boundary is not listed in its own right, but is regarded as listed in association with the principal listed building to which it formed a boundary (Old Kelways). The proposed development requires the removal of a small section of the end of this wall. The proportion of wall to be removed is minor in relation to its length; it is not considered to contain significant fabric, not being listed in its own right. The significant impact of the wall will still remain in relation to the principal listed building, and as advised by the Conservation Officer, removal of this section is acceptable if justified in the provision of a significant housing development. A separate listed building consent application is considered in parallel to this application, which seeks to allow the demolition only on the basis that the housing development is carried out.

The development would be further from the principal listed building than the existing development, and the boundary wall. It is not considered that it would represent a harm to

the setting of the listed building that would warrant a refusal of the proposal.

Detailed Design

The layout and other design details submitted are for indicative purposes only, and not for consideration under this application. It is considered that the submitted documents demonstrate that a development is possible. However, details of the layout, design and appearance of buildings, etc., are reserved for determination at a later stage.

Other Matters

Matters arising from the above comments include:

Public Footpath

The County ROW Officer has referred to the presence of the footpath across the site along the western boundary. The indicative layout shows that this can be incorporated into a development scheme, which might require minor diversion of the footpath. The ROW Officer raises no objection to the proposal on this basis.

Proposed Play Area

Whilst the concerns of Community Health and Leisure are noted, this is an outline application, and detailed layout matters are reserved until the second stage. It is not considered essential to locate the play area specifically at this stage.

Archaeology

The County Archaeologist has assessed the submitted details, and is satisfied that an outline proposal is acceptable, subject to condition that, prior to commencement of development, further investigation takes place to secure detailed knowledge of the site, and appropriate means of recording, protecting and securing archaeological remains. It is not considered that there is any archaeological reason to refuse the application.

Ecology

Because of the proximity of the site to the Somerset Levels and Moors Special Protection Area, Natural England was consulted. No objection is raised, and it is noted that NE advises that 'the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.'

Detailed ecological issues have been considered by the Council's Ecologist, and conditions proposed to cover appropriate mitigation measures and protections.

Views of the Parish Council

The detailed comments of the Parish Council (as supported by the Langport Town Council) have been carefully considered and evaluated in the context of the Local Plan. Most of the issues raised have been dealt with above. However, the following additional comments are relevant:

- Reference is made to 'local sustainability' issues - it is assumed these refer, as set out in detail in their comments, to drainage and water provision. Both these issues have been considered in detail by the relevant consultees, and it is clear that

adequate services and drainage can be provided for the proposal (at the developer's cost, as necessary).

- No evidence is available to suggest that any sites come forward more quickly than others as a result of greenfield site approvals. There is a long history of 'land banking', which invariably relates to individual approaches and circumstances of land owners. It is not considered appropriate to constrain housing development within the identified 'direction of growth' for the settlement unless demonstrable harm can be evidenced.
- The boundary wall which runs along the current boundary of development is a well-known local feature, and is not of an excessively imposing height or scale. As with rivers, roads, hedges and other features, it is not considered that this feature would necessarily create an overwhelming dividing line 'creating two communities'. There is scope to ensure good connectivity centrally, linking open space in the new development with the existing open space to the south.

Letters of Objection

The proposal has stimulated a significant degree of local interest, with a number of detailed submissions having been received. These letters have been carefully considered, and the issues raised weighed against the submitted detail, the comments of consultees and current planning policy. Where these issues have not been dealt with above, the following comments are offered:

- **Agricultural Land:** Whilst it is acknowledged that the land falls within Grade 2, and that this is therefore considered 'best and most versatile' for purposes of the NPPF guidance, the site has been designated within the direction of growth set out in the emerging Local Plan, now endorsed as 'sound' by the Planning Inspector considering the Plan. Given its proximity to the settlement, and its importance in being able to provide new development, it is not considered that the agricultural value of the land outweighs the development value, and this is not regarded as a reason for refusal of the application that could be sustained.
- **Noise:** The proposal is for housing, which has a normal level of noise associated with it. Any disturbance caused beyond this become the subject of separate legislation.
- **Water provision and drainage:** The relevant consultees are satisfied that services can be provided to serve any new development, and that the site can be adequately drained; these issues are not considered to represent a reason for refusal that could be sustained.
- **Views:** A perceived future loss of a view from private property carries little weight and would not be considered a reason for refusal that could be sustained.

Applicant's Further Comments

The applicant has submitted further comments (which can be viewed in full on the application file online) in response to the comments made by the Policy Officer, making the following main points:

General comments: Whilst it is noted that the Policy comments refer repeatedly to 'potential' harm to the settlement hierarchy and the Local Plan, but no specific or identifiable harm is identified that would amount to a material planning consideration

Settlement hierarchy: It is pointed out that the Local Plan has 14 settlements ranked in the hierarchy of settlements; different rates of growth of settlement within the scope of the

duration of the Local Plan does not necessarily mean that harm would result to individual settlements. Langport is 10th in the hierarchy in terms of population size with lower order settlements sometimes having larger populations; the rationale behind the creation of the hierarchy represents the existing and future role and function of the town and not necessarily its population at a point in time. It is submitted that there will be no threat to the hierarchy arising from permitting the 71 dwellings in the current application.

Role and Function: The higher position in the hierarchy than its population might suggest relates to the town's relative isolation; its important functional role for a large catchment area; it has a wide range of facilities (wider, for example, than Somerton or Castle Cary), including a 6th Form Academy. The Baker Associates Report on which much of the vision for the Local Plan is based notes that market towns should accommodate growth which has a wider than local significance.

Harm from 'Out Commuting': given the small numbers involved (71 dwellings, 156 residents, 80 persons of working age), it is not accepted that residents would tip out commuting to a level that is harmful. From the Baker Associates Report it is noted that levels of self containment are already higher at 41% than in many market town and local centres. Adequate land is identified in the 'directions of growth' for additional employment space - an expanding available workforce would enable local businesses to expand without having to draw in commuters from elsewhere. People who are not economically active would be able to access day to day educational and community needs locally.

Harm to Character of Settlement: The application is for 71 dwellings (5% of the existing housing stock), and the proposed change it represents would not result in an unacceptable rate of growth that would harm the character of the settlement.

Potential Lack of Infrastructure: Contributions would be required for educational facilities; equally providers and sewerage and sewage treatment are obliged to provide adequate capacity.

Benefits of Sustainable Housing Growth: These can be numerous: increasing the type and range of housing required to meet need and demand in the District, including affordable housing for rent (for which there is an evident local need); providing critical mass of residents to sustain public transport as well as retail, financial and other service sector businesses; and a financial contribution to local and district wide community facilities.

EIA Regulations

A screening opinion was issued prior to submission of this application, determining that an EIA was not required for the proposal. (12/02197/EIASS). It is noted that, from 6 April 2015, the EIA Regulations are amended to exclude housing schemes of fewer than 150 dwellings (or a site area of 5 Ha), which would exclude this proposal from consideration under Schedule 2 of the Regulations.

S.106 AGREEMENT

A S106 Agreement will be required to secure:

- 35% affordable housing to the satisfaction of the Strategic Housing Manager
- contributions for provision of leisure and recreation facilities at a rate of £4,754 per dwelling to the Satisfaction of Assistant Director (Wellbeing)
- transfer of area of open space to ownership of SSDC for purposes including the

- provision of a locally equipped area of play (LEAP)
- a Travel Plan
- monitoring fee
- additional primary school places: the amount to be secured would be £171,598 (£2,417 per dwelling)

as required by Policy SS6 of the South Somerset Local Plan.

Conclusion

The site represents a sustainable location for housing development, being within a settlement identified as a Local Market Town. The location of the site, immediately adjacent to the existing built form of the settlement, and within the identified 'direction of growth', is considered the most appropriate currently available land within the settlement for additional housing development.

However, this consideration has to be weighed against the number of dwellings already committed or under construction within the settlement, which exceeds the guideline figure set out in the Local Plan. On balance, although this figure is not fully consistent with the settlement strategy, it is not considered so great as to alter the hierarchy of settlements described in the Local Plan, or to be harmful to the overall objectives of the Local Plan, particularly given the range of jobs, services and facilities in the settlement and considering the ultimate minimum target of new housing for the District as a whole.

In all other respects, the proposal is considered to comply with the objectives of the Local Plan, as set out in the body of the report. The delivery of 35% affordable housing, as well as contributions for leisure and recreation facilities and school places, all represent positive impacts of the development. Any harm to heritage assets, ecology, archaeology and local drainage can be suitably mitigated. Details of appearance, visual impact and amenity can be adequately considered as part of the detailed design ('reserved matters') stage.

Notwithstanding the contrary views expressed by the Parish and Town Councils and local residents, the proposal is considered to represent a sustainable development that complies with the aims and objectives of the Local Plan, and is accordingly recommended for approval.

RECOMMENDATION

That application reference 14/03154/OUT be approved subject to:-

- a) 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 ensure that:-
 1. At least 35% of the dwellings are delivered as affordable housing to the satisfaction of the Council's Strategic Housing Manager.
 2. A contribution of £4,754 per dwelling is provided for to mitigate the impact of the development on sports, arts and leisure facilities to the satisfaction of the Assistant Director (Wellbeing).
 3. The necessary area of open space (to include the provision of a LEAP) is transferred to the ownership of SSDC
 4. A Travel Plan is prepared and implemented, to the satisfaction of the Highway Authority

5. Provision is made for a monitoring fee based on 20% of the application fee
6. Provision is made for additional primary school places to the satisfaction of the County Education authority - a contribution of £171,598 (£2,417 per dwelling)

and

- b) the following conditions

SUBJECT TO THE FOLLOWING:

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

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

02. Application for approval of the appearance, landscaping, layout and scale of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. All reserved matters referred to in Condition 2 above shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, internal ground floor levels, materials, and landscaping.

Reason: To ensure that the development of the site is dealt with in a comprehensive manner to protect the character and appearance of the local setting and to secure a high quality development in accordance with the NPPF and policies SD1 and EQ2 of the South Somerset Local Plan, 2006.

04. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. L001 Rev B; D001 Rev F; SK03 Rev A; and L1000 Rev F.

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

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

Reason: In the interests of highway safety and to accord with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

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

Reason: In the interests of highway safety and to accord with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

07. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety and to accord with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

08. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation, as required on site, shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

09. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with the aims of the NPPF and Policy EQ1 of the South Somerset Local Plan, 2015.

10. 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 water drainage system 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.

11. 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 safeguard archaeological remains on the site and to accord with the NPPF and Policy EQ3 of the South Somerset Local Plan, 2006.

12. Any subsequent full or reserved matters application shall include detailed proposals (quantities and specifications) for the provision of compensation wildlife habitat. Quantifying an appropriate level of compensation could be through the use of biodiversity offsetting metrics or similar methodology.

Reason: To compensate for the loss of hedgerow 'priority habitat' and to enable conservation of local bat populations including 'priority species' in accordance with NPPF.

13. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan detailing measures to avoid harm to reptiles, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended), and for the conservation of a 'priority species' in accordance with NPPF.

14. The development shall not commence (specifically including any site clearance or ground works) until a scheme for the eradication of Japanese Knotweed from the site has been submitted to, and approved in writing, by the local planning authority. The approved scheme shall be implemented in full unless otherwise agreed in writing.

Reason: For the protection of amenity of future owners/occupiers of the site and neighbours, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

15. No removal of vegetation that may be used by nesting birds (scrub, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless preceded by a check by a consultant ecologist for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

16. There shall be no alteration of ground levels immediately adjacent to and within 2m of the stone wall along the southern boundary of the site.

Reason: To safeguard the character and appearance of the wall, in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

Informatives:

01. The applicant's attention is drawn to the advice of the Environment Agency set out in their letter of 5 December 2014, which can be viewed on the Council's website, and a copy of which was forwarded to the applicant's agent.
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