

Officer Report On Planning Application: 18/01257/REM**

Proposal :	The erection of 80 No. dwellings including associated public space and all other associated external works (Reserved Matters application following approval of 13/03483/OUT).
Site Address:	The Trial Ground (Land Os 5949), Somerton Road, Langport.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	16th July 2018
Applicant :	Mr Andy West
Agent: (no agent if blank)	
Application Type :	Major Dwlg 10 or more or site 0.5ha+

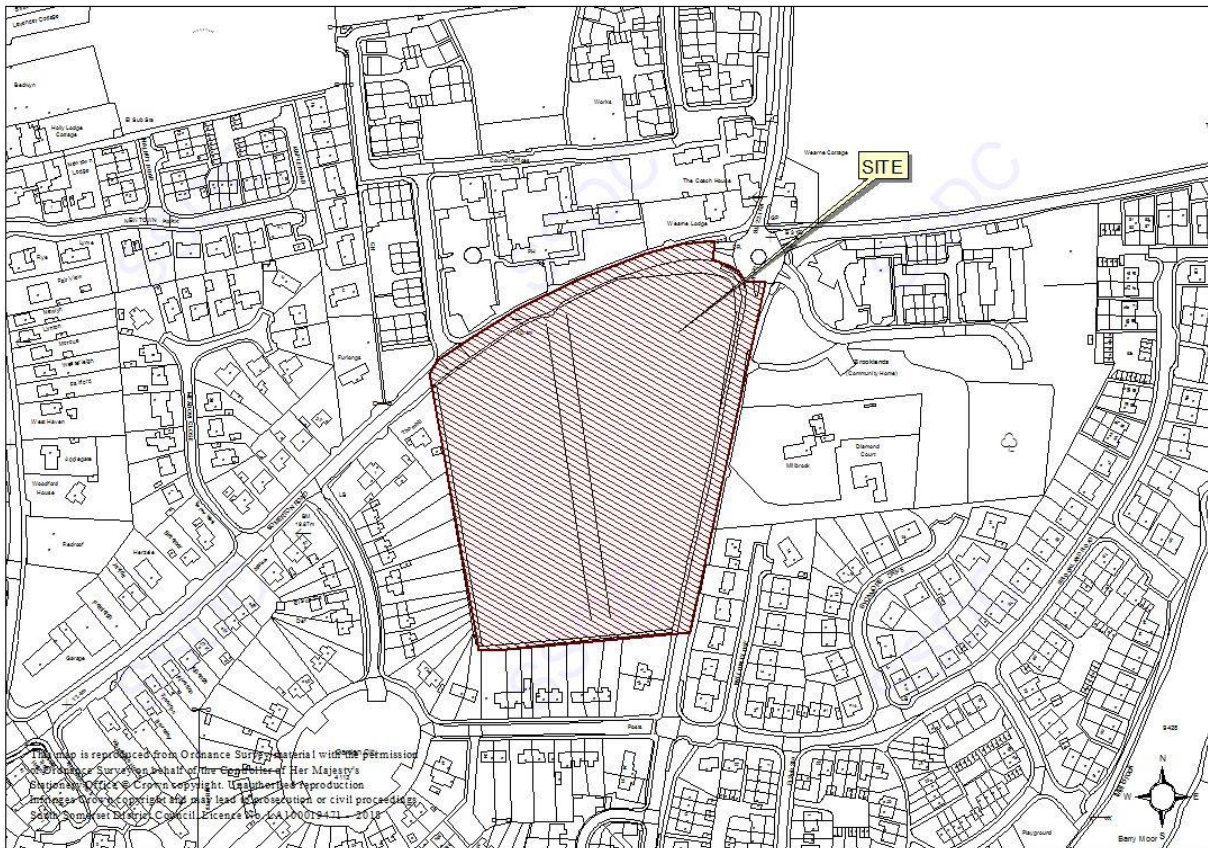
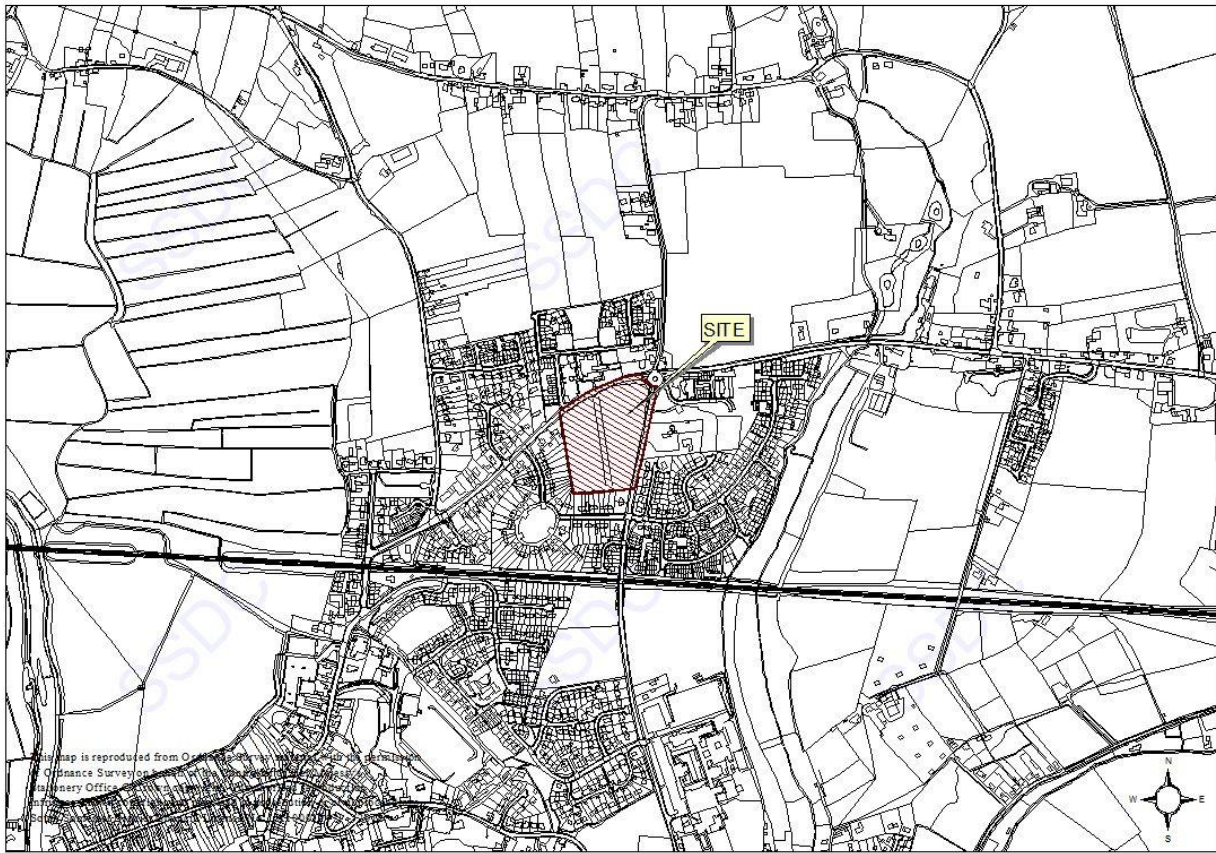
REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Area Chair with the agreement of the Vice Chair to enable the issues raised to be fully debated by Members.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2-starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION AND PROPOSAL



The site consists of two agricultural fields. They are broadly flat and divided by a large hedge made up of a double line of trees. The site is bounded by a variety of residential properties to all sides, with some commercial properties to the north, including a Grade II listed building. A public footpath runs along the west and south boundaries of the site, connecting Somerton Road to the north, and Field Road to the east.

This application is made for approval of reserved matters following earlier outline approval 13/03483/OUT. Access was approved at outline stage, with all other matters reserved for consideration at this stage. The proposal comprises the erection of 80 dwellings, with associated landscaping, road layout, parking and turning. The application follows the recent refusal of planning application 17/02694/FUL, a full planning application for the residential development of the land, comprising 94 houses. That application was refused for the following reason:

The proposed development, due to the increased number of dwellings, and the scale, design, proportions and siting of said dwellings, represents overdevelopment of the site, resulting in a cramped residential development of a level and density inappropriate to the location. The proposal therefore has an unacceptable impact on the character, appearance and rural context of the site and its surroundings. The proposal is therefore contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-2028) and provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

The applicant seeks to address the refusal reason by reverting back to a scheme for 80 residential units, in line with the approved outline consent. The proposal therefore reduces the density of development within the site, allowing a more spaced out scheme, more consistent with the indicative proposal. The scheme includes the provision of a large landscaped area/informal open space to the north of the site, which also includes space for an attenuated drainage feature. No on-site play equipment (LEAP) is now proposed, with the Section 106 Agreement signed in relation to the outline planning permission including contributions for off-site play, as well as other local and strategic needs. A range of dwellings are proposed from 1 bedroom to 4 bedroom homes. 28 affordable dwellings are proposed and are distributed throughout the site, centrally and to the eastern and southern parts. A total of 139 parking spaces are proposed, including some within garages. The already approved access is to the east of the site, onto Field Road.

The dwellings incorporate a simple range of materials, comprising brick, reconstructed stone and render a mix of red profiled and grey flat profile roof tiles.

HISTORY

18/01249/FUL: The erection of 94 No. dwellings including associated public space and all other associated external works (Revised application) - Pending consideration.

17/02694/FUL: The erection of 94 No. dwellings including associated public space and all other associated external works - Refused 29/01/18 following resolution to refuse at Area North Committee of 24th January 2018.

13/03483/OUT: Outline application for residential development and the provision of access from Wincanton Road - Permitted with conditions 15/10/2015

13/02232/EIASS: Request for a screening opinion concerning residential development - EIA not required 14/06/2013

99/00034/OUT: Construction of class A1 retail store with restaurant/café, associated car park, petrol filling station, construction of new access, landscaping and other works - Application withdrawn 23/03/1999.

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

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

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

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17

Chapter 3 - Supporting a Prosperous Rural Economy

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 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Climate Change

Conserving and Enhancing the Historic Environment

Design

Natural Environment

Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space

Planning Obligations

Rural Housing

Water Supply, Wastewater and Water Quality

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. Where not included below, the full responses are available on the public planning file.

Huish Episcopi Parish Council: The following comments were received:

- A maximum of 80 dwellings should be permitted, and consideration given to less. This site is at the forefront of the entrance to Huish Episcopi and Langport and should display the rural character of this area on the edge of The Levels.
- Style of finish, brick corners and rendering, should be reconsidered as it is rather unimaginative and does not blend well with the listed white lias buildings opposite. The Council still believes that 2.5 storey dwellings are oppressively tall for this village setting.
- Light controlled pedestrian crossings should be provided both on Somerton Road and also on Field Road between the Trial Ground entrance and Brookland Road. This would offer traffic calming in the area where the addition of more than 450 dwellings over the past 12 years has heightened safety concerns. Recent SID recordings have shown 40,000+ vehicle movements per month on the Somerton Road.
- Provision of a pavement and bus layby on Somerton Road between the roundabout and boundary of Thornhill.
- Loss of Beech Hedge The Council believes that consideration should be given improving the functional design by creating a central avenue, compensating for the loss of the beech hedge and maybe doubling as the Public Footpath. This could provide all residents with an attractive walk way allowing all the opportunity to enjoy, as quoted in the Heritage Report, unrestricted "enhanced views" direct to, and maintaining the connection with, the Old Kelways building. With a more imaginative approach to the layout, this site has the potential to be a "flagship" development for Persimmon Homes.
- Reinstatement of Public Footpath L13/55 which follows the inner two boundaries of the field. This will reduce the number of pedestrians on the main roads and establish a safe route through the estate for Academy students and residents. It will also align with the District Council's published policy to protect rights of way and, in this case, the retention of the public footpath does not prevent or hinder the site from being developed and therefore its closure and/or relocation is not justified.
- Huish Episcopi Parish Council is not aware that a formal application has been made to relocate the footpath and therefore, it should be reopened without undue delay and made accessible to the public. Retention of the footpath will also support the recommendations of the Preliminary Ecological Assessment and help retain a rural aspect to the development. There should also be a defined pedestrian access onto Somerton Road.
- Playground provision (LEAP) is still evident on the plans. The Council fails to see any requirement for yet another playground in the parish - there are two nearby at Old Kelways and Barrymore Close, which could easily be accessed if the pedestrian crossings requested were provided. Additionally the Old Kelways playground is about to be substantially upgraded, so the Council views

a third playground as a waste of public money. Sympathetically landscaped, this open space could be a real asset for residents of all ages.

- Retention of the hedgerow boundaries as Huish Episcopi Parish Council understands the inner ones are either shared or neighbour ownership and the Council would also prefer retention of the Field Road and Somerton Road hedgerows, or similar new planting, to soften the impact of the new development.
- 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 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.

While the Council does not object to the development of the Trial Ground, based on 13/03483/OUT permission for 80 dwellings, it definitely recommends that this application be referred to the Area North Committee for consideration of the Parish Council's concerns in making a decision and assessing any potential planning conditions to be imposed.

Langport Town Council: Langport Town Council made the following observations:

- Concerns were raised with flooding and water runoff and councillors fully support the Parrett Internal Drainage Board letter of objection dated 8 May 2018;
- Insufficient information is available on the protection, enhancement or removal of hedges and trees and the effect it will have on biodiversity;
- Reinstatement of the designated footpath should be made, and the installation of a bus stop to allow access to public transport;
- Affordable housing element. While the overall percentage is only slightly below the recommended (34.04% as against 35%), the balance is towards more 2-bed houses. The provision of some of these in the form of one-bedroom units would mean that they would be likely to be even more affordable for single people or for young couples. The Strategic Housing consultee (SSDC's Housing Development Officer) has proposed a different mix of affordable housing in 2017 and councillors support this recommendation:

08 x 1 bed
14 x 2 bed houses
10 x 3 bed houses
1 x 5 bed house

County Highway Authority Awaiting comments - verbal update to be given to Members.

Natural England: No objection. It is noted that the application site is approximately 1km south-east of Aller Hill which is designated at a national level as a Site of Special Scientific Interest (SSSI) and 1.8km north-west of Wet Moor SSSI which forms part of the Somerset Levels and Moors and which is designated at a European level as a Special Protection Area (SPA) and at an international level as a Ramsar site¹. Natural England do however confirm that they do not expect the proposals to result in significant effects on designated sites. The Local Authority's obligations are also highlighted in respect to consideration of other matters such as protected species.

Police Crime Prevention Design Advisor: Reiterated previous comments have been received in respect to the need to ensure that rear paths of secured by gates. These should be lockable in the case

of social housing. Minor amendments the layout have been received to address these comments.

SSDC Open Spaces: Note that the proposal includes an area of informal public space well in excess of that required, however would prefer to see the amount to the north reduced, and part moved to a more central area to create a village green style area, further breaking up built form.

SSDC Ecologist: Satisfied with and generally agrees with the conclusions of the various ecological reports and makes the following comments and recommendations:

BATS: The site is evaluated as being of local value to bats, however foraging habitat is not subject to legal protection. While there is a likely adverse impact on bat foraging, this is not considered enough require additional hedge planting beyond that already proposed.

DORMICE: A single dormouse nest was recorded in 2013 but the 2017 dormouse survey didn't record any evidence of their presence. The habitat on site is sub-optimal for dormice and the site lacks good connectivity with other suitable dormouse habitat. It is considered unlikely that there is a permanent population of dormice on the site, but there could be occasional presence of small numbers. A Hedgerow Removal Method Statement condition is requested.

NESTING BIRDS: He notes that the removal of the central hedge has a high potential to disturb nesting birds and therefore recommends the use of a condition to control when such works are carried out.

JAPANESE KNOTWEED: Notes the presence of Japanese Knotweed on the site and recommends the use of a condition to secure a scheme for the eradication of the plant from the site, if not already addressed following outline consent.

REPTILES: The use of an informative is recommended due to there being the small number of slow worms on the site.

BIODIVERSITY ENHANCEMENT: A condition to secure biodiversity enhancements in line with the provisions of the NPPF is recommended.

HEDGEROW REMOVAL METHOD STATEMENT: Appendix 6 of the Ecological Impact Assessment details seasonal timing and other measures to minimise the risk of harm to legally protected species. It is recommended that this be made a requirement by condition.

LANDSCAPE AND ECOLOGY MANAGEMENT PLAN: Section 8 of the Ecological Impact Assessment advises a 'Landscape and Ecology Management Plan' (LEMP). This could in theory cover many or all of the above requirements/conditions in a single document. If it's the preference of the applicant, the Ecologist has no objection to all of the above being covered this way. If so it should be a pre-commencement condition.

SCC Rights of Way: The current proposal will obstruct the footpath L 13/55.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for. The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure

to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition: We would be seeking any diversion to encompass the whole route of path L 13/55, in line with proposals that have been put forward in relation to application 18/01249/FUL.

The above refers to comments made in respect to planning application 17/02649/FUL, to which the applicant proposed a diversion of the footpath in its entirety. The County Rights of Way Officer commented that their preferred route was to retain the footpath for the majority of its current route to the west of the site, before passing eastward through the site onto Field Road.

Parrett Internal Drainage Board: Object on the basis that the discharge rates have been calculated based on the entire site area and not just the impermeable area. The Board advise that this is not in accordance with the publication 'Rainfall Management for Development (EA)', which states 'Calculation of the runoff volume from the developed site for preliminary assessment and design of drainage facilities will assume 100% runoff volume from paved areas and 0% runoff from pervious areas' and is also not in accordance with the guidance provided by HR Wallingford on their UKSuDS website.

This may increase flood risk locally. The proposals will therefore, introduce additional water in the Board's catchment area and Land Drainage Consent will be required from the board.

The Board would request that the following informative is added to any permission that is granted:

Informative: The applicant is advised that prior to works commencing onsite Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991, from the Parrett Drainage Board for any construction in or within 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.

Wessex Water: No comments received. The following comments were received in respect to application 17/02694/FUL:

Foul Water and Surface Water discharges must be drained separately from the site and Surface Water connections to the public foul sewer network will not be permitted. The drainage details indicate separate systems and points of connection to the public sewer system are agreed with a surface water discharge restricted by flow control to 9.8 l/s from the site.

Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Wessex Water will be carrying out a strategic review of the public sewer system at this location over the next 12 months. This will review service levels with any further allocations made in the Local Plan. Capacity improvements may be considered by the sewerage undertaker if the risk of sewer flooding has increased within the catchment.

SW Heritage Trust: No objection on archaeological grounds.

SSDC Tree Officer: I have noted that the subject of the double parallel Beech hedge has arisen again. My previous comments relating to Planning Ref: 13/03483/OUT still apply.

I'm afraid that the submitted landscape details are rather disappointing. My comments as follows:

The Hedgerow Plantings

- The dominant use of native 'thorns' (e.g. *Prunus spinosa*) within the context of a housing

development should be avoided, as the future maintenance is unpleasant and difficult for ordinary householders to manage.

- A more appropriate 'native' species mix for the hedgerows would be: 40% Hazel, 20% Field Maple, 20% Beech, 10% Holly & 10% *Viburnum opulus*.
- The specification for all hedgerow plantings should specifically avoid the use of bare-rooted stock (it is almost impossible to obtain bare-rooted stock of UK-provenance), instead employing Cell-Grown 40-60's of UK-provenance (readily available at the same cost as bare-rooted).
- The hedgerow specification should clearly specify the use of a coir-based weed-suppressing textile (economically available 'off-the-roll' as a more environmentally responsible alternative to TERAM) to be securely pegged down after treatment of all competing ground-vegetation to a minimum radius of 500mm from the base of each tree or shrub (specifically to counter the threat of Bindweed).
- The hedgerow plantings should consist of an offset matrix planted through slits cut into the coir fabric in a double parallel row at a density of x6 plants per linear meter, spaced at 300mm off-set centres and 500mm between the two rows. The layer of wood-chip or chipped bark-mulch shall cover the coir-based fabric in-entirety to a minimum depth of 100mm.
- Each individual hedgerow planting shall be protected by a 0.6m high Tubex shrub-shelter securely fixed to the ground with a 25mm x 25mm tanalised stake.
- The proposed 'gapping-up' of the existing boundary hedgerow is noted and welcome.

Tree Plantings

- I am insistent that each tree must be of UK-provenance and container-grown (preferred) or root-balled. Sensible sizes would be 10-12's or 12-14's with minimum container-volumes of 45-65 litres.
- The inclusion of some fully-feathered and half-standard forms would be welcome.
- Each tree must have a surface-mulch of wood-chip or chipped bark applied to a depth of 100mm in a minimum radius of 500mm. The additional use of an individual coir-based mulch mat for each larger sized tree would be prudent.
- Each tree to be planted within a grass/turfed environment must have a suitably robust strimmer-guard securely installed around the base e.g. 'Arbortec Standard Strimmer Guard'.
- The use of fast-growing aggressively surface-rooting species such as *Prunus avium* 'Plena' in such close proximity to dwellings (e.g. Plot 61...) and hard-surfacing seems un-sustainable. I recommend a vigorous over-haul of the species-palette and proposed locations.
- I believe that the proposed use of *Fraxinus excelsior* (Ash) is contrary to the current DEFRA embargo/ban on the sale and transport of this species.
- Within the new hedgerow plantings, particularly the plots adjoining the roadside (Plots 54-48 & Plots 16 & 1); there ought to be some modest-sized fastigiated trees to soften the visual impact of the built-form as viewed from the road (e.g. *Malus trilobata*, *Pyrus calleryana* 'Chanticleer', *Carpinus betulus* 'Frans Fontaine', *Quercus robur* 'Koster', *Tilia cordata* 'Rancho', *Acer campestre* 'Streetwise' etc...) - planted at sensible spacings, e.g. every 5-6 metres or so.
- The use of large-growing trees with natural forms within the larger areas of greenspace (e.g. to the North of Plots 1-5, 17, 27, 28, 29 & 80) is welcome. However, they appear to be located far too close to the adjoining dwellings to sustainably accommodate their spreading forms. These trees need to sensibly occupy a more central position within their setting.
- *Acer rubrum* and *Malus sylvestris* are particularly unwelcome inclusions within this planting scheme on account of soil-type, locations, susceptibility to disease & disappointing longevity.

Turfed Areas

- I am naturally concerned regarding the proposed rotovation of the Root Protection Areas "to a fine tilth" - this should be specifically mentioned on the landscape scheme as something that must be avoided and the locations of the Root Protection Areas should be clearly illustrated.

Summary Recommendations Regarding the submitted Landscape Scheme

I would be grateful if you could ask Persimmon to instruct their appointed landscape designer to get in-touch with me to resolve the issues I have identified above.

Tree and Hedgerow Protection Requirements

It appears that no such details are forthcoming within this Reserved Matters application, unless of course; this requirement has already been discharged.

REPRESENTATIONS

34 letters of objection have been received. The main points raised relate to the following areas:

- Current infrastructure (schools, doctor's surgery, dentists, community nurses, sewage system) is inadequate and problems will be exacerbated by the development.
- The area has already contributed enough towards meeting housing targets.
- There is too much tandem parking.
- The proposed traffic splitter island at the entrance will make vehicular access difficult for the occupiers of the properties opposite. Vehicle manoeuvres would have to take place over a hatched area, a blank area should be left.
- Some of the houses will overlook the gardens of a property to the east of Field Road.
- The loss of the beech hedgerow should be avoided as it is landmark feature and part of the history of the area. If housing must be built, why can't the hedge be incorporated into the development.
- The central hedge is a haven for wildlife and should be retained.
- Property values in the area could be lowered.
- The existing drainage system needs updating.
- There are already large signs on site advertising the development, assuming permission will be granted.

CONSIDERATIONS

Principle of Development

The principle of development has already been established by the approval of outline planning permission 13/03483/OUT. The outline permission included approval of the access arrangements, with all other matters reserved.

This application is made following the refusal of recent planning application 17/02694/FUL, which was for 94 dwellings. That application was considered by Area North Committee in January this year, and was refused for the following reason:

The proposed development, due to the increased number of dwellings, and the scale, design, proportions and siting of said dwellings, represents overdevelopment of the site, resulting in a cramped residential development of a level and density inappropriate to the location. The proposal therefore has an unacceptable impact on the character, appearance and rural context of the site and its surroundings. The proposal is therefore contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-2028) and provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

In refusing permission, Members of the Committee made it clear that an increase on the 80 units approved by the outline consent was unacceptable and that the proposed development represented an

over-provision of residential development on the site. In submitting this application, the applicant seeks to address the refusal reason by reverting to the approved 80 units.

Scale, Appearance, Layout and Landscaping

The development proposes a residential development laid out around a central access road, with a southern loop re-joining the central road, and two smaller no through roads accessing development to the north of the site. In revising the scheme from the previously refused 94 unit proposal, the site layout is not too dissimilar to that seen indicatively at outline stage, with a more spacious layout now submitted due to the decrease in numbers. One very noticeable improvement is the ability to re-introduce elements of parking between properties, rather than almost entirely all to the front of the houses, thereby reducing the dominance of car parking within the street scenes.

The layout includes a wide green buffer to the north of the site, giving a degree of separation of the site from the listed Old Kelways buildings to the north, and the protected trees along the northern roadside boundary. This green space, which will double as informal public open space, and is proposed to accommodate a surface water attenuation feature, which is to be considered under the discharge of conditions related to the outline consent.

In considering the impact of the proposal on the setting of the grade II listed buildings to the north, and the general character of the area, the northern edge has been designed following advice given by the Council's Landscape Architect in respect to 17/02694/FUL, with the concentration of open space to the northern part of the site, and increased formalisation of housing frontage to this open space, which is considered to present an appropriate frontage to sensitively address the listed buildings opposite, and maintain the more rural feel of the northern boundary, maintaining the more important, protected trees.

Within the site there is an increase in parking to the front of properties, with increased car dominance evident, however the mix in orientation of properties and amount of set back from the adjoining road, along with the opportunity for landscaping between parking spaces, is considered to limit the impact, and introduce an appropriate injection of green planting within the street scene. Overall, the layout is considered to be acceptable and satisfactorily accommodate the 80 dwellings.

The proposed houses are of a relatively standard design and appearance, being taken from a volume house builders existing portfolio of houses, however careful consideration has been given to the types and material mix, with a limited palette of materials proposed, comprising red brick, reconstructed stone, and render. The majority of the site will be brick, with the occasional rendered property to reduce the monotony. Reconstructed stone is more prevalent to the northern site frontage to respond better to the more sensitive frontage. Red tiles are proposed mostly, with grey tiles introduced to a number of the frontage properties, and several of the focal point buildings.

The scheme includes proposals for new hedgerow planting to the boundaries, the formation of a green buffer to the north, and planting throughout the estate. The Council's Tree Officer has considered the proposed landscaping scheme and has questioned several elements particularly relating to the species type and mix. This in itself is not a constraint to development, however the proposed landscaping scheme is considered to be unacceptable. The applicant is in the process of putting together a revised scheme to address the concerns raised, however should that not be submitted, a condition can be easily imposed to agree the scheme post-approval. The Tree Officer also noted that no tree and hedge protection measures have been included. This is however a condition of the outline consent so there is an outstanding requirement to agree these details as a discharge of conditions.

Much concern has again been raised regarding the loss of the double row of beech hedges that currently traverses the site. While this is regrettable, it should be noted that in considering the outline planning permission, the Council's Tree Officer and Landscape Architect were consulted. Both confirmed that the hedges are structurally poor and neither raised an objection to their loss. The Tree Officer referred back

to these previous comments, and has raised no further concerns.

On the basis of the above it is considered that the proposed reserved matters application is acceptable in respect to scale, layout, appearance and landscaping. It is also considered to address the reason for refusal of planning application 17/02694/FU.

Flooding and Drainage

The development of this site will clearly lead to the creation of additional impermeable surfaces that need to be suitably drained to avoid the risk of increased surface water flooding outside of the site. In this case, the applicant has put forward a drainage strategy that includes the capture and attenuation of excess surface water, with discharge rates limited to 9.8l/s, which is equivalent to greenfield runoff rates. This is similar to that proposed in 17/02694/FUL, although the proposal reverts to an open attenuation pond. Objections have been raised by the Parrett Internal Drainage Board in respect to the calculations included within the drainage strategy, and that this may lead to an increase in surface water runoff into the Board's area. In response, the applicant has amended the drainage scheme to take into account these comments and hopes that these concerns can now be satisfied.

Notwithstanding the above, it should be noted that the provision of the final drainage details was required as a condition on planning permission 13/03483/OUT. Should the submitted details not be agreeable, the Local Planning Authority reserve the right to not approve them as part of any reserved matters consent, in which case this will still be an outstanding matter to agree by discharge of conditions. Overall, as assessed at outline stage, the drainage strategy gives sufficient reassurance that the site can be effectively drained, with existing conditions already in place requiring the agreement of the final detailed drainage scheme, along with details of future ownership and maintenance. In this respect, the applicant has confirmed that it is the intention for Wessex Water to adopt the elements of the surface water system that they can, with the remaining elements, such as the attenuation features to be handed over to a management company.

Sewerage and Water Supply

Concerns have again been raised regarding the adequacy of the local sewerage network. Whilst Wessex Water have not commented on this application, they did not object to the outline application, or to the recent full planning application for 94 units. They did also confirm that they will be carrying out a strategic review of the public sewer system at this location over the next 12 months. This will also review service levels with any further allocations made in the Local Plan. Capacity improvements will be considered by the sewerage undertaker, if the risk of sewer flooding has increased within the catchment.

Highways

At the time of writing this report no comments have been received from the County Highway Authority, however the access is approved, along with off-site highway works to include the provision of a pedestrian refuge to the north of the site, with a new footway link, dropped kerbs and tactile paving, linking to the existing pedestrian footways on the north side of Somerton Road. The approved access includes the provision of a right hand turn bay into the site, incorporating a traffic splitter island, which it is proposed to replace with a pedestrian refuge to aid existing residents opposite when crossing Field Road.

The outstanding matters for consideration relate to the layout of the estate roads. In this case, the layout is similar to that considered acceptable by the Highway Authority under 17/02694/FUL, notwithstanding the changes to the layout in reducing numbers from 94 to 80. Further update will be given to Members following receipt of the Highway Authority's detailed comments.

Concerns have been raised again about ease, and safety, of accessing the existing vehicular accesses

opposite the site, particularly with the proposed introduction of a traffic splitter island and hatched, markings on the road. Whilst these comments are noted, it is important to be aware that the access arrangements have already been considered and approved in the outline consent. As such, the proposed access was considered to be acceptable and there is no scope to alter it as part of this reserved matters application.

Public Right of Way

There is a public footpath running alongside the west and southern boundaries of the site. There is no current obvious entrance to the footpath, either to the north or east of the site with both ends overgrown. Despite this, the north/south section runs within the application site, while the east/west section appears to run to the south of the application site, having been integrated into rear gardens of properties to the south. This being the case, the proposed development would obstruct the existing footpath, with the rear gardens of the properties to the west of the site extending up to the boundary hedge.

In seeking to address this in the previous application, the applicant provided details of two options, one being to amend the plans slightly to leave space for the footpath along its current route, the second being to apply for a diversion to redirect the footpath through the proposed pedestrian access to the north west of the site from Somerton Road, around the paved footway, and out through a another pedestrian access, onto Field Road, to the south east of the site. The second option is the applicant's preferred option, and an application to divert the footpath through the site is expected should planning permission be granted for this proposal.

The County Council Rights of Way Officer has considered the proposal again and has raised no objection, whilst noting that the current route of the footpath would be obstructed and need diversion. In considering the options put forward by the applicant, the Rights of Way Officer has advised that a third option is preferable, that being the retention of the footpath for much of its existing route to the west of the site, before be diverted eastwards through the site, and out onto Field Road.

While this would solve the issue of enforcing the reinstatement of the footpath to the south of the site, on land outside of the applicant's control, this would still not be ideal as like the first option, it would create a long, potentially unpleasant enclosed right of way, which would most likely discourage use, particularly as the aforementioned route within the second option would be present anyway. The retention of the existing route of the footpath would also be likely to raise security and public safety concerns. It is therefore considered that subject to the approval of a diversion, the rerouting of the footpath through the site could resolve the issue and offer a pragmatic solution, while providing a safer route for pedestrians, particularly school children who have to negotiate the existing unsatisfactory highway network. Should this not prove satisfactory, it should be noted that the grant of planning permission does not entitle the applicant to illegally block any part of the footpath within their ownership, with County Council able to take appropriate action should this prove necessary.

Ecology

Objections have been received again in respect to the impact on local wildlife as a result of the development as a whole, and the loss of the beech hedgerow through the site. Having been assessed at outline stage, the principle of development was not objected to, however additional surveys were required, including testing for the presence of dormice, as a single nest was recorded in the original survey.

The most up to date survey, completed in November 2017, included bat activity surveys, and dormouse surveys. The Council's Ecologist has considered the findings of the survey and raises no objection to the development, subject to a number of appropriate conditions.

The bat surveys recorded several species of bats foraging within the site, in moderate numbers,

however the trees bordering the site are accepted as offering only low potential for bat roosted. Similarly, while the loss of the central beech hedge would reduce insect prey, it is noted that foraging habitat is not subject to legal protection. Additionally, the site is viewed as likely to represent a relatively small proportion of the total foraging area available for local bat populations. It is not considered that additional planting is required to compensate for this loss.

The dormice surveys didn't record any evidence of dormice, and the Ecologist also views the site is sub-optimal. While there could be occasional presence in small numbers, it is unlikely that there is a permanent population of dormice on site. A hedgerow removal method statement is considered appropriate as a precautionary measure though. Similarly, a condition restricting the times that hedgerow can be removed, unless previously checked by a competent person is also proposed as a precautionary measure to avoid disturbing nesting birds that may be using the beech hedgerow. Small numbers of slow worm have been identified, with an informative again proposed. Additional conditions have been requested to ensure that biodiversity enhancements details are provided for approval, and compliance with a hedgerow removal statement, included within Appendix 6 of the submitted Ecological Impact Assessment. It is noted that a 'Landscape and Ecology Management Plan' is referenced within the report. The Council's Ecologist has advised that this could be conditioned to cover many of the suggested conditions, and requirements.

As such, notwithstanding the concerns raised, the proposal, which includes details of appropriate avoidance, mitigation and compensation measures, is not considered have an adverse impact on local ecology or protected species so as to warrant refusal of the scheme.

Residential Amenity

One objection has been received concerned that there will be overlooking to a property to the east of the site, on the other side of Field Road. Despite this, it is considered that the development appropriately considers the impact on local amenity, with the distances between the proposed dwellings, and neighbouring properties appropriate to avoid overlooking, overshadowing and general overbearing impact. The proposal also includes enhancements to the existing south and west boundary treatments which do currently contain some gaps and areas of sparse cover. The approval of a detailed landscaping scheme will allow an appropriate planting buffer to be provided to reduce the impact of the development. If deemed appropriate, the proposals to divert the public footpath will also remove the potential for pedestrian movements in close proximity to the rear of the properties to the west.

Ultimately, there will inevitably some impact from increased residential activity, and increased lighting levels, when moving from a completely undeveloped site to a residential estate. However, it is concluded that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with policy EQ2 of the South Somerset Local Plan, and the core planning principles of the NPPF.

Archaeology

As with the outline permission, SW Heritage have confirmed that there are no objections on archaeological grounds.

Planning Obligations

The outline consent was granted pre-Community Infrastructure Levy (CIL) so there is no requirement for these obligations. Otherwise, the previous requirements identified and agreed as part of 13/03483/OUT still remain. These were secured by a S106 Agreement and are as follows:

SSDC Community, Health and Leisure

A contribution of £373,455.77 (£4,668.20 per dwelling).

County Education

A contribution of £196,112 (£2451.40 per dwelling) towards primary school places

Affordable Housing

28 affordable houses with a tenure split of 67:33 in favour of rented accommodation over other intermediate types. The proposed layout and housing types are in line with the affordable housing requirement agreed at outline stage.

Travel Plan

To be agreed as part of the Section 106 Agreement.

Conclusion

The principle of developing this site was agreed by approval of outline planning permission. This reserved matters application is considered to be acceptable, and will have no adverse impact on local flood risk, ecology, archaeology, surrounding character, residential amenity and highway safety. It is also considered to address the concerns raised in refusing planning application 17/2694/FUL.

RECOMMENDATION

Approve with conditions

01. Notwithstanding the local concerns, the proposed development of 80 houses proposed in this sustainable location is considered to be acceptable by reason that it respects the character and appearance of the area and would not be harmful to the setting of local heritage assets, general visual amenity, residential amenity, ecology, archaeology or highway safety, without compromising the provision of services and facilities in the settlement, and provides for appropriate drainage mitigation. As such the proposal complies with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 110 P3, 111 P2, 120 P6, 121 P3, 140 P3, 500-1 P4, 500-2 P4, 501-1 P3, 501-2 P3, 501-3 P3, 501-4 P3, 501-5 P3, 502-1 P3, 503-1 P3, 503-2 P3, 504-1 P3, 504-2 P3, 505-1 P1, 506-1 P1, 507-1 P1, 508-1 P3, 508-2 P3, 509-1 P1, 509-2 P1 and 510-1 P23.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

02. Details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;

- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs, including details of roof verge finishes;
- b) panels of brickwork and stonework shall be provided on site for inspection;
- c) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any roof lights) and doors;
- d) details of position and colour finish of meter cupboards, gas boxes, rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally).

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

03. No consent is hereby granted for the landscaping scheme as submitted. No development shall be carried out on site unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season after the development hereby permitted is first brought into use; and 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, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

04. The development hereby permitted shall not commence until a detailed Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority, covering the avoidance, mitigation and compensation measures detailed in Section 8 of the submitted Ecological Impact Assessment (prepared by Green Ecology - dated November 2017). The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of legally protected species, for the enhancement of biodiversity and for the protection of amenity of future owners/occupiers of the site and neighbours, in accordance with policy EQ4 of the South Somerset Local Plan, the provisions of chapter 11 of the NPPF, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

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, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

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, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

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, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

08. Parking spaces shall be provided in accordance with details indicated within the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The approved spaces shall be provided before each dwelling to which they relate are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

09. There shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of a roller shutter/sliding/inward opening type.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

10. There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, or any other purpose whatsoever.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

Informatives:

01. The applicant/developer is reminded that the conditions and informatives imposed on outline planning permission 13/03483/OUT still apply, unless otherwise superseded by any of the conditions imposed on this reserved matters planning permission. Outstanding matters include provision of full drainage details, which have not been approved as part of this reserved matters consent. Regard should also be given to the requirements of the Section 106 Agreement, dated 28th August 2015, accompanying the aforementioned outline consent.

 02. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

 03. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

 04. The provision of the highway works will require a suitable legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

 05. Reptiles (particularly slow worms) are present on the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures could include appropriate management of the vegetation to discourage reptiles away from areas of risk, reptile exclusion fencing, and/or translocation of animals from the site. An ecological consultant should be commissioned to undertake further reptile specific survey and provide site specific advice.

 06. The applicant is advised that prior to works commencing onsite Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991, from the Parrett Drainage Board for any construction in or within 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.
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