



Area North Committee

Wednesday 27th November 2019

2.00 pm

**Council Chamber, Council Offices,
Brympton Way, Yeovil BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Neil Bloomfield
Malcolm Cavill
Louise Clarke
Adam Dance

Mike Hewitson
Tim Kerley
Tiffany Osborne
Clare Paul

Crispin Raikes
Dean Ruddle
Mike Stanton
Gerard Tucker

Consideration of planning applications will commence no earlier than **2.30pm**.

For further information on the items to be discussed, please contact the Case Officer on 01935 462596 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 19 November 2019.

Alex Parmley, Chief Executive Officer



This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December).

Agendas and minutes of meetings are published on the council’s website

<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area North Committee

Wednesday 27 November 2019

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 25 September 2019. The draft minutes can be viewed at:

<http://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=129&Year=0>

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Adam Dance and Crispin Raikes.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 18 December 2019** in the **Council Chamber, Council Offices, Brympton Way, Yeovil.**

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

- 8. Area North - Draft Area Chapter 2020/21** (Pages 6 - 9)
- 9. Area North Committee Forward Plan** (Pages 10 - 11)
- 10. Planning Appeals** (Page 12)
- 11. Schedule of Planning Applications to be Determined By Committee** (Pages 13 - 14)
- 12. Planning Application 19/02646/OUT** - Land OS 0002 South of Coat Road, Martock**
(Pages 15 - 43)
- 13. Planning Application 19/02656/FUL** - Land OS 0002 South of Coat Road, Martock**
(Pages 44 - 73)
- 14. Planning Application 19/02246/FUL - Ridgeway, Stowey Road, Fivehead** (Pages 74 - 85)
- 15. Planning Application 19/02417/FUL - Land Adjacent Ham Lane, Compton Dundon**
(Pages 86 - 95)
- 16. Planning Application 19/01598/FUL - Land Adjacent Ham Lane, Compton Dundon**
(Pages 96 - 111)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 8

Area North – Draft Area Chapter 2020/21

Service Manager: Jan Gamon, Lead Specialist Strategic Planning
Tim Cook, Locality Team Manager

Lead Officer: Debbie Haines, Locality Team Lead (North & West)
Chereen Scott, Specialist, Strategic Planning (North & West)

Contact Details: Debbie.haines@southsomerset.gov.uk
Chereen.scott@southsomerset.gov.uk

Purpose of the Report

To present the draft Area Chapter for Area North.

Public Interest

The new operating model was introduced in January 2019. The Committee's priorities become a chapter of the council plan with resources pulled from across the organisation with project leads essentially becoming Area + teams. This report gives members an opportunity to consider and agree the priorities that will be included in the Area Chapter for 2020/21.

Recommendation

That members agree the priorities for the Area to be presented to District Executive for consideration for inclusion in the Council Plan.

Background

The Area+ proposal states that "The Council will become strategy led and data informed", which puts the annual strategic planning process at the heart of driving delivery in the Areas.

The Area+ Implementation plan sets out the new way of addressing area priorities and details how resources will be allocated from across the organisation to improve area working.

Delivery Plans will be developed for adoption as chapters of the Council Plan in February 2020 and will 'go live' in April. The SLT Sponsor for each area will have an overview of the emerging Area Plans.

Draft priorities were identified by members of Area North at a workshop before the July meeting of the committee. Content from the workshop, along with other service plans has been used as a starting point to develop the Area Chapter.

Draft Area Chapter - Area North

The priorities for each area have been used to influence the development of the Council Plan for 2020/21. Some priorities identified clearly have an area focus and are better placed in an Area Chapter. The Area Chapter presents key projects and areas of work planned for the coming year by teams from across the whole organisation. Some of the activities and projects have been carried forward from the current chapter. The chapters for next year have taken account of work of the current work programme that will have been completed by April 2020.

Delivery plan

Once the priorities for the area have been agreed, officers with the knowledge, skills and experience will develop a delivery plan in consultation with ward members. Delivery plans will identify the outcomes, milestones, key activities and resources. A report will come to the April meeting to recommend the use of area budgets towards agreed chapter projects and initiatives.

Progress of the delivery plan will be monitored by the Area Committee. Members are sent quarterly updates, provided by lead officers and collated by Locality Team Leads. The overall approach to delivery will be based on the principle that we will enable others to deliver where we can, partner where it makes sense and only deliver if absolutely necessary.

Area+ teams

Lead officers required to deliver elements of the Area Chapter are essentially the Area+ team. The Communities of Practice for the areas of focus will be used to support delivery through applying best practice, ensuring cooperation and overcoming barriers to deliver and to resolve issues that cause projects to stall.

Budgets

Work will be required to align the area budgets and available resources (capital programme, appropriate S106, etc) with the new Area Plans. There needs to be recognition that resources are finite and will be allocated according to need. Any new work will be assessed in order to establish relative priorities. As mentioned above, a report will be produced for the April meeting with recommendations about the use of area resources.

Next Steps

- Draft council plan workshops with Scrutiny and DX in January
- Final Council Plan for adoption in February

The SLT sponsor for Area North is Netta Meadows who will be an advocate for the Area Plan through the adoption process and maintain an overview of progress. The SLT sponsor will provide high level input into the development of Area Plans making sure that they contribute towards the broader aims of the council and take account of relevant regional and national policy.

Financial Implications

There are no new financial implications arising directly from this report.

Corporate Priority Implications

The priorities have been developed taking into account the SSDC Corporate plan priorities.

Carbon Emissions & Adapting to Climate Change Implications

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the services and facilities they need on a daily basis. Area working (Area+) helps to improve access to facilities, activities and services, reducing the need to travel.

Equality and Diversity Implications

This is considered on an individual project and programme basis as appropriate. All Area Plans will have an Equality Impact Assessment.

Background Papers: *Area+ proposal, Area + Implementation Plan*

Area Chapter –Area North 2020-2021

The area chapter presents the priority work in Area North for the coming year. Many of the projects are led by others working in our communities and SSDC will take an enabling approach to provide advice and practical support to help others deliver.

Area+ teams are made up of officers from across the council with specific knowledge, skills and experience needed to support the delivery of the Area Chapter. Details of the Area+ team, key activities, and milestones to be presented in the delivery plan.

Key priorities for Area North:

Page 9



Economy

Complete signage improvements and refurbishment at Cartgate Tourist Information Centre, creating a hub for tourists and encouraging visitors to stop in Somerset

Continue to support individual businesses including local food and drink producers

Support local events and initiatives aimed at encouraging the footfall in local high streets

Engage Town Councils to develop programme of investment through the Market Town Investment Group



Environment

Pending the outcome of a development phase application to the National Lottery Heritage Fund (March 2020) progress a delivery phase application for March 2021 focusing on a sustainable future for the heritage monument and visitor attraction at Ham Hill

Support community led initiatives that contribute towards combatting climate change

Re-launch the refurbished River Parrett Trail in Spring 2020.



Housing

Promote and support new Community Land Trusts where appropriate

Complete Housing Needs Surveys when requested



Healthy, Self-reliant Communities

Support a range of improvements to community facilities

Tackle social isolation by maintaining the network of volunteer led health walks through promotion, training and support

Deliver a programme of Play days in towns/villages in Area North

Tackle social isolation by improving community transport links

Deliver weekly volunteering opportunities at Ham Hill Country Park

Agenda Item 9

Area North Committee – Forward Plan

Director: Netta Meadows, Strategy and Support Services
Officer: Becky Sanders, Case Services Officer (Support Services)
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to note and comment upon the Area North Committee Forward Plan as attached, and to identify priorities for any further reports.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at democracy@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives.

| Meeting Date | Agenda Item | Background / Purpose | Lead Officer(s) SSDC unless stated otherwise |
|---------------------|-----------------------------------|--|---|
| <i>TBC</i> | <i>Somerton Conservation Area</i> | <i>Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area.</i> | <i>TBC</i> |
| <i>TBC</i> | <i>Community Grants</i> | <i>To consider any requests for funding.</i> | <i>TBC</i> |

Agenda Item 10

Planning Appeals

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Specialist (Planning)
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Recommendation

That members comment upon and note the report.

Appeals Lodged

19/00064/FUL – Land OS 0002 South Of Coat Road, Martock.
The erection of 120 homes together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping

Appeals Dismissed

None

Appeals Allowed

None

Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Officer (Development Management)
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.30pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.25pm .

| SCHEDULE | | | | | |
|---------------|----------|--------------|--|---|---|
| Agenda Number | Ward | Application | Brief Summary of Proposal | Site Address | Applicant |
| 12 | MARTOCK | 19/02646/OUT | Outline application for the erection of 120 dwellings together with associated infrastructure. | Land OS 0002 South of Coat Road, Martock. | Barratt Homes |
| 13 | MARTOCK | 19/02656/FUL | Erection of 120 dwellings together with associated infrastructure including access / highway improvements, drainage & attenuation, play area, open space & landscaping (Re-Submission) | Land OS 0002 South of Coat Road, Martock. | Barratt Homes |
| 14 | ISLEMOOR | 19/02246/FUL | Change of use of premises from Use Class C3 to D1 (independent day school for 26 young people). | Ridgeway, Stowey Road, Fivehead. | Keys Progressive Care And Education Ltd |

| | | | | | |
|----|--------|--------------|---|-------------------------------------|--------------|
| 15 | WESSEX | 19/02417/FUL | The erection of one dwelling with garage, access and landscape planting. | Land Adj. Ham Lane, Compton Dundon. | Mr R Stacey |
| 16 | WESSEX | 19/01598/FUL | The erection of 7 dwellings with access and landscape planting provision. | Land Adj. Ham Lane, Compton Dundon. | Mrs A Stacey |

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 12

Officer Report On Planning Application: 19/02646/OUT**

| | |
|------------------------------------|--|
| Proposal : | Outline application for the erection of 120 dwellings together with associated infrastructure. |
| Site Address: | Land OS 0002 South Of Coat Road, Martock. |
| Parish: | Martock |
| MARTOCK Ward (SSDC Members) | Cllr Louise Clarke, Cllr Neil Bloomfield |
| Recommending Case Officer: | Colin Begeman |
| Target date : | 16th December 2019 |
| Applicant : | Barratt Homes |
| 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 Area North Committee at the request of the ward member and in agreement with the Chair to debate and assess the local concerns relating to highway matters to be further considered.

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.

BACKGROUND

This site has been subject to a series of planning applications.

An outline application 13/02474/OUT for 95 dwellings was approved subject to a s106 agreement 24/07/2014. This application was followed up with Reserved Matters applications, which have now lapsed and are no longer extant. The site does not benefit from an extant permission.

A further application 19/00064/FUL was submitted by Barratt Homes to construct an additional 25 dwellings over the previously approved scheme, taking the total of dwellings to 120. This application was recommended for approval to the Area North Committee who resolved to defer the application to the Regulation Committee for decision. The Regulation Committee resolved to refuse the application.

Barratt Homes informed the Council of its intention to appeal the decision. As part of the usual process Counsel's opinion was sought on the strength of the Council's case. Following the receipt of that advice the Council decided that it would not be actively defending the reasons for refusal if an appeal was submitted..

An appeal has now been submitted and is due to be heard by way of public inquiry on 4 February 2020 and as such preparations for the appeal are ongoing.

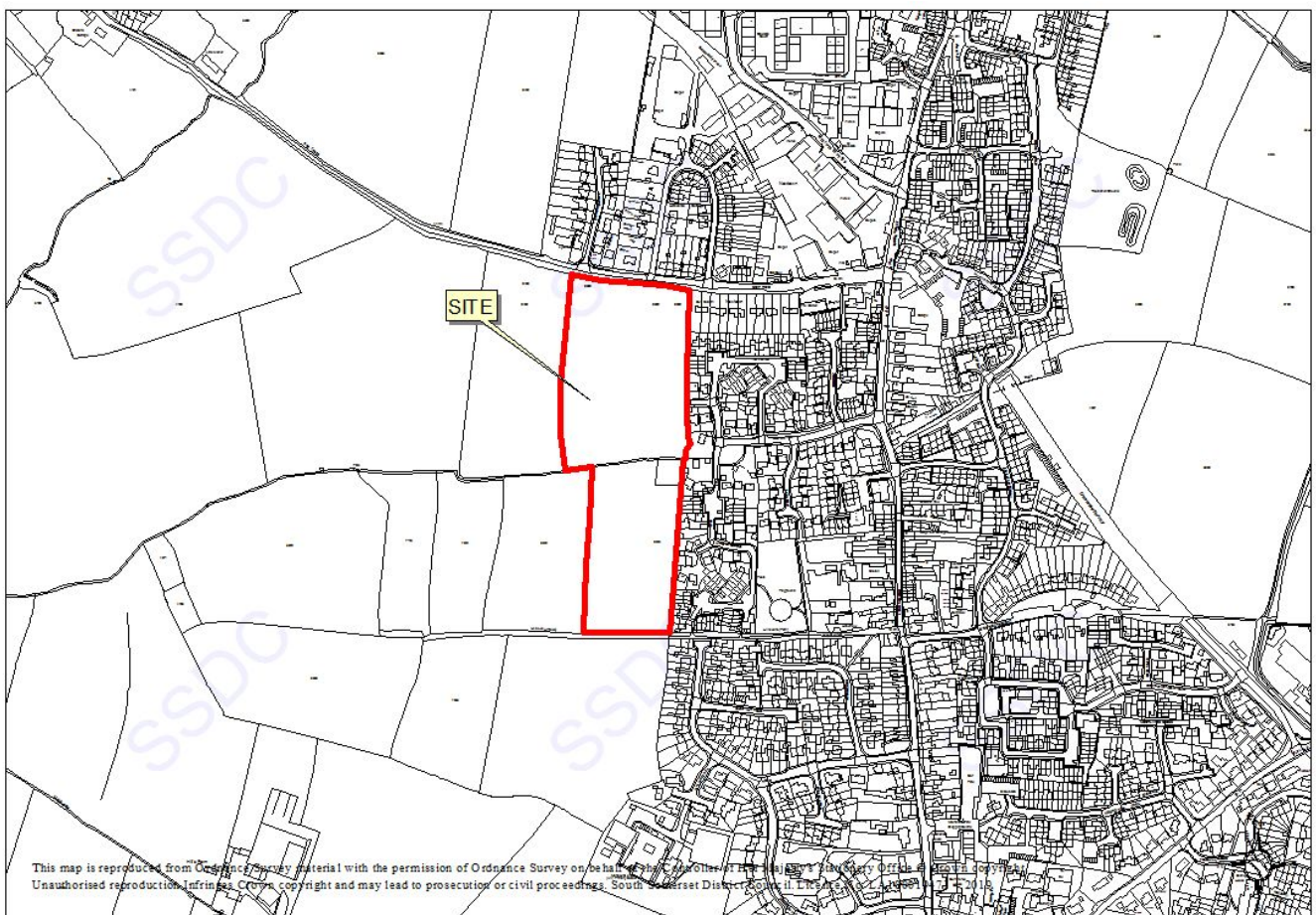
A meeting was held with the applicant, planning officers, the Ward Members, Vice Chair of Area North Committee and a representative of the Parish Council. The meeting was held to explore if there were any areas that the applicant could make to the proposed scheme to assist in alleviating the concerns of the Committee. The outcome of the meeting was to offer without prejudice or commitment from the members that increasing car parking spaces and committing to achieving over and above the adopted policy of reducing carbon emissions by 15% would be welcomed.

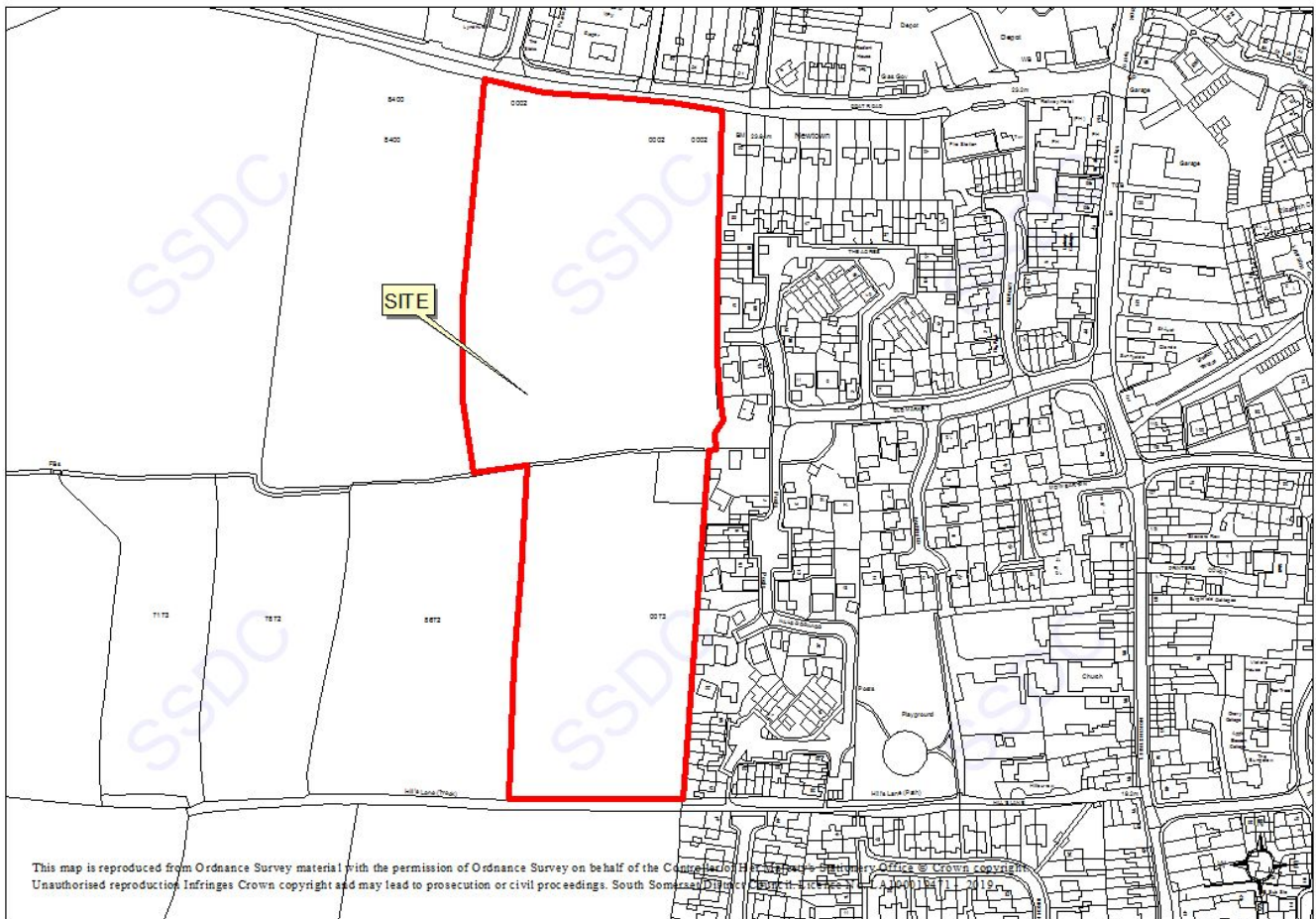
Barratt Homes have submitted two planning applications. One application in full 19/02656/FUL which is identical to the previous application and one application is in outline 19/02646/OUT with only access to be considered.

This report discusses the outline application. Access is the only matter being considered for approval with Appearance, Landscaping, Layout and Scale being reserved matters.

The application is recommended for approval.

SITE DESCRIPTION AND PROPOSAL





The site consists of two agricultural fields currently in arable use. The two fields slope gently towards a central dividing ditch and are bounded on all sides by hedges of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

This application seeks outline planning permission for the residential development of land, comprising 120 houses. The scheme seeks permission for the provision of vehicular access to the north, onto Coat Road. The indicative site plan shows the provision of an on-site play area (LEAP), surface water attenuation features, and landscaped area/informal open space.

The layout includes a pedestrian link to the Public Right of Way to the south.

Permission has previously been granted on this site for 95 houses (13/02474/OUT and 15/01021/REM), however these permissions have time expired without commencement of the scheme.

This application is supported by:

- Arboricultural Impact Assessment and Method Statement
- Construction Environmental Management Plan
- Design and Access Statement
- Ecological Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Landscape Risk Assessment and Soft Landscape Proposals
- Outdoor Lighting Report and Drawings
- Planning Statement

- Site Waste Management Plan
- Statement in Support Planning Application
- Statement of Community Involvement
- Transport Assessment incorporating Travel Plan

HISTORY

19/00064/FUL: The erection of 120 homes together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping. - Refused - 19/07/2019

15/01021/REM: Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) Discharge of the remaining conditions on the outline permission will be subject to a separate application, and supplementary information relating to these conditions is included with this application - Permitted with conditions.

14/04206/REM: Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) and discharge of conditions 04 (Drainage), 05 (Maintenance of surface water drainage), 06 (Design and specification of access), 07 (Programme of archaeological work), 09 (Scheme for provision and management of 4m wide buffer zone), 10 (Detailed landscape strategy) and 12 (updated report for badgers sett) - Application refused for the following reason:

"The proposed design of the houses and the inclusion of 2 1/2 storey elements is out of character and incongruous with the established development pattern and character of Martock. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework."

13/02474/OUT: Outline permission granted for residential development of up to 95 dwellings at land south of Coat Road, Martock (access determined with all other detailed matters reserved). An associated Section 106 Agreement covers:

- Provision of Affordable Housing
- Contributions for the provision of Public Recreation and Leisure Facilities
- Education Contributions

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
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
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 4 - Decision Making
Chapter 5 - Delivering a Sufficient Supply of Homes
Chapter 8 - Promoting Healthy and Safe Communities
Chapter 11 - Making Effective Use of Land
Chapter 12 - Achieving Well-designed Places
Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15 - Conserving and Enhancing the Natural Environment
Chapter 15 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance - June 2019

National Design Guide - October 2019

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

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.

Martock Parish Council:

The Parish Council considered this application at their Extraordinary Full Council meeting on 23rd October 2019.

There were a large number of representations from parishioners on the matter.

After consideration it was proposed and agreed to recommend refusal of this application on the following planning grounds:

1. The proposals for achieving net biodiversity gain are inadequate:
 - There is no evidence that any of the sound suggestions to enhance biodiversity made in the

Ecology Survey have been reflected in the Design Statement, the dwelling plans, the estate layout, the FRA, or the Arboricultural Survey;

- There is no evidence that any of the surveys (dormouse and bat) requested by the Somerset ecologist have actually been carried out;
 - The development plan has important implications for wildlife. The proposed estate layout does not lend itself to wildlife networks and the central communal area, and drainage ponds have not been planned with biodiversity conservation in mind.
2. The number of off-road car parking spaces is below that required by national and local standards:
- The number of car parking spaces in the proposed development is 39 fewer than the standard set by Somerset County which in turn reflects the national standards (Manual for Streets);
 - All the earlier Barratt development proposals on this site argued that the Somerset County standards for car parking should be followed;
 - The justification for reducing the number of car parking spaces given by the developer is based on a flawed interpretation of the data on the relationship between car ownership, tenure and number of bedrooms for the South Somerset Middle Super Output Area of which Martock is a part. A correction of this flaw (which relates to the numbers of zero-car households) leads to a number slightly higher, not lower, than that prescribed by the Somerset standards;
 - The proposed car parking strategy is simplistic and makes for inefficient use of the overall space allocated to parking.
3. The number of additional homes is greater than the number that can be supported by the current infrastructure and undermines the local plan settlement strategy:
- The proposal for 120 houses would, (at the time of the Coat Road planning hearing), take the number of approved buildings to 326, which is 42% above the target with nine years of the plan still left to run (this is common ground agreed by the Planning Officer);
 - The village fully understands that the South Somerset District is unable to meet its housing land supply. 120 houses here would be of very considerable assistance in addressing the shortfall. We note that the Settlement Policy has implications throughout the District and that undermining it is likely to result in harms elsewhere;
 - We argue that this proposal would put considerable additional strain on already over-subscribed services such as education, youth and health;
 - We argue that this development, as it stands, is socially, environmentally and economically unsustainable and that the impact of it 'would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole' (NPPF paragraph 11).
4. The design of individual houses and the layout of the estate generally do not meet acceptable sustainable energy standards:
- The South Somerset Climate Change Officer rejected both the previous two applications on the grounds that 75 of the 95 houses were unsuitably oriented to permit rooftop solar arrays. The same argument applies to this proposal but no objection was raised by the Climate Change Officer because his post had been abolished and the planning department made no alternative arrangements to seek a view on this;
 - We note from the Sustainability Statement that both the fabric and the overall building construction of these houses are designed to the lowest energy standards to remain within the law and fall well below the standard expected by local climate change policies. This fails to meet the principles governing the recent Local Plan Climate Strategy particularly given that the District has declared a climate emergency;
 - An unacceptably large number of houses is built in a way that prevents them benefiting in any way from solar gain, either because they shade their neighbours or because the design or orientation of their roofs prevent subsequent solar electricity generation.

5. The number of houses exceeds all objectively assessed needs and will increase out-commute from the village above the existing figure of 80%:
 - The objectively assessed need for housing in Martock carried out by South Somerset District is currently around 15 to 16 houses per year (LP review). Local assessments carried out in association with the development of the Neighbourhood Plan broadly agree with this figure;
 - The current out-commute figure for the village, carried out independently by South Somerset District and within the village produces a figure of around 80%. Building a housing estate of this size will increase this already unsustainable figure.
6. The balance of market housing fails to match local need:
 - All market housing needs analysis done both within the village, and within the area by South Somerset District, show an overwhelming need for smaller houses, particularly for first-time buyers. This is because the existing village housing stock consists mainly of 3 and 4+ bedroom houses. The market housing balance in this proposal is greatly skewed towards larger houses (22 4+bed, 42 3-bed houses, only 14 2-bed and no 1-bed apartments).
7. The existing vehicular, cycle and pedestrian infrastructure cannot adequately support the anticipated traffic to and from the development and no mitigating proposals whatsoever have been put forward:
 - The size of this development will impose an unacceptably high burden on the narrow adjacent streets and on the rural roads through the neighbouring villages of Coat and Ash. This is already a particularly difficult issue in Ash where traffic calming measures have had to be introduced;
 - While this proposed development is in principle within walking or cycling distance of village services there are many obstacles that currently prevent this happening safely and easily. The transport plan makes no proposals for overcoming these difficulties and it is unacceptable that the parish should be left to bear this burden.

County Highway Authority: It is advised that the proposal has been fully assessed by the Highway Authority, and as a result no objections are raised in principle, subject to the imposition of relevant highway related conditions. It is noted that some minor amendments were required, however they can be dealt with during the detailed design process. Two issues were identified, the first being that the autotrack details showed a refuse freighter overhanging the footway at one point. The second related to the proximity of the initial junction within the site to the main access onto Coat Road. In the case of the first concern, there was a potential risk of vehicle pedestrian collision, however the risk was considered to be limited and not a regular occurrence, as such no objection was raised. Following identification of the second concern, the developer and the Highway Authority undertook Road Safety Audits to understand the full implications of the layout. Neither safety audits made note of this as a concern, as such the layout is considered to be safe. It is also advised that a 600mm wide verge should be provided at the back of the footway prior to the top of the ditch or any earthwork slopes, otherwise that part of the ditch should be culverted. This is a matter that can be confirmed at technical stage however.

SSDC Highway Consultant: Refer to SCC advice.

SCC Rights of Way: No objections. It is noted that a public right of way (PROW) abuts the site to the south (restricted byway Y16/31). It is requested that should the roads be adopted, the links between the site and path Y16/31) should be a bridleway link, which would be capable of allowing access for horse riders and cyclists, as well as pedestrians. This would be secured as part of any S38 adoption agreement.

SCC Minerals and Waste Team: No comment.

SCC Education:

This application is similar to the application ref 19/00064/FUL submitted earlier in the year. At that time it

was established that there is a space in the primary school which could be remodelled and improved to enable it to become another classroom for the children from this development. Due to this we just require the minimal sum of £50,000 to make the changes to the school.

In addition to this there is a need for early years (pre-school) places. In accordance with our updated pupil yield data and the current cost to build this makes a requirement of:

120 x 0.09=10.8 (11 Early years pupils)

11 x 17,074= £187,814 for expansion of early years providers.

SSDC Housing: Would expect 42 affordable units with 34 as social rented and 8 for other intermediate affordable housing solutions. The following property mix is suggested:

Social Rent: 10 x 1 bed, 20 x 2 bed, 3 x 3 bed, 1 x 4 bed (bespoke disabled unit for a family in need)

Other intermediate affordable; 6 x 2 bed, 2 x 3 bed

SSDC Open Spaces Officer: The proposal generates a requirement of 0.46 hectares of Public Open Space (POS), although the site plans identify a slightly lesser amount of 0.41 hectares of useable POS. Notwithstanding this, there are no objections to the layout. To address the slight shortfall on site, Open Space agree to the provision of an off-site contribution towards enhancements at Hills Lane recreation ground and the provision of a mitigation fund, which SSDC will use to enhance the Sustainable Urban Drainage System (SuDs), so they will become a community asset. These enhancements would include suitable landscaping/planting to provide biodiversity and ecological improvements. £3,204.51 is requested towards the off-site contributions and £18,000 towards improving the attenuation features, although this could be reduced by approximately £7,000 if the developer sows the original mix, with the Council's guidance and specification).

SSDC Community, Health and Leisure: Seeks contributions of £ 244,696 towards local facilities, comprising £95,066 towards the provision of on-site equipped play space (LEAP), unless provided by the applicant, £188,066 towards off-site Youth Facilities to be provided at either Bracey Road or Hills Lane, £46,310 towards off-site playing pitches and £84,653 towards off-site provision of changing rooms. £96,732 is requested in commuted sums, and £3,414 as an administration fee.

NHS England: No comments.

Police Designing Out Crime Officer: No objection in principle, however visitor parking spaces have reappeared by the LEAP. Contact made with architect back in Feb 2019 when it was agreed to remove them. See earlier submission dated 06/02/2019. I would ask again to have these removed as I do not think they are appropriate placed closed to a play area!

Earlier submission dated 06/02/2019: It is suggested that the proposed visitor parking near to the LEAP be reconsidered as this could give anonymity to observe children at play.

Somerset Waste Partnership: No objections. It is noted that bin collection points are included for properties down longer private drives, which addresses any initial concerns.

Natural England: No objections raised previously - The proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. The Local Planning Authority are reminded that they are expected to assess and consider the possible impacts on biodiversity, local character and protected species. The need for environmental net gain is also identified.

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

BATS: The Ecological Appraisal report states that a possible bat roost is present within an oak tree at the north west of the site. A follow up tree roost survey was carried out by Green Ecology on the 28 March

2019, the results confirmed that the tree is not currently suitable for roosting bats and no specific avoidance, mitigation or compensation measures are required. Otherwise, the Ecologist that light-spill could cause avoidance behaviours for bats commuting and foraging through the site, particularly if light-averse bats use the site. A condition is suggested in respect to the proposed lighting scheme.

GREATER CRESTED NEWTS: The Ecological Appraisal recommended that, as a precautionary measure, eDNA surveys should be carried out prior to any works commencing on site to confirm absence/presence of great crested newts. Green Ecology carried out a further Great Crested Newt Assessment, including a Habitat Suitability Index, a proposed eDNA sampling on the 15th April 2019. Following assessment of the results, it was concluded that the site's water bodies are considered highly unlikely to support great crested newts and therefore no specific avoidance, mitigation or compensation measures for great crested newts are required. A preventative condition is suggested in respect to reptiles and amphibians.

DORMICE: The Ecological Appraisal suggests the removal of any suitable habitat for Dormice, which is limited to a 10m section of hedgerow, under the supervision of a licenced dormouse ecologist carried out under a mitigation strategy, with enhancements proposed. As the section of hedgerow is limited to 10m, with hedgerow present being improved and new areas planted suggested mitigation will be sufficient to mitigate for the worst case scenario. Therefore in accordance with Cheshire East v Rowland Homes case law further surveys will not be required in this case. A condition is suggested in respect to the works proposed that will remove this 10m of hedgerow.

BADGERS: The construction of the road across the ditch will directly impact on badgers by damaging a sett. The ecology report advises that an artificial sett will be undertaken close to the existing sett, with the closure of the existing sett carried out in accordance with a Natural England Licence. A condition is requested in respect to seeking the necessary licence.

BIRDS: The hedgerows and woodland, identified as being of most value to breeding birds, will be mostly retained as part of the development. Where removal of hedgerow or scrub is proposed (northern and central hedgerows), a vegetation removal conditions is requested.

HEDGEROWS AND WOODLAND: The submitted arboricultural information provides details of protection for existing hedgerows and trees, which is acceptable.

BIODIVERSITY AND PROTECTED SPECIES NET GAIN: The loss and disturbance to the habitats on site will be compensated for by the provision of retained and managed wildlife areas and infrastructure thus ensuring the proposal provides mitigation and compensation habitat and adheres to enhancement requirements outlined within the National Planning Policy Framework 2017 (NPPF). An appropriate condition is requested to secure these enhancements.

SSDC Tree Officer: No objection in principle. The submitted tree and hedge protection measures are acceptable and should be conditioned. There are reservations in respect to the suggested landscaping scheme, with changes suggested.

SSDC Environmental Protection Officer: Comments:

I have reviewed this application and have the following comments to make from an Environmental Health point of view.

1. The developer will operate to the hours and procedures set out in the Construction Environmental Management Plan issued on December 1st 2018 and submitted with the application 19/02646/OUT.
2. The developer shall install the lighting as per the Design For Lighting Ltd report 0906 as prepared on 18th December 2018.

South West Heritage Trust Archaeologist:

I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

Programme of Works in Accordance with a Written Scheme of Investigation (POW). Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

and:

Archaeology and ensuring completion of works. No building shall be occupied until the site archaeological investigation has been completed and post - excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

Previous comments:

No objection in principle, however it is advised that no reference has been made to a geophysical survey and trial trench evaluation carried out in 2013. The trial trench evaluation demonstrated that two significant concentrations of archaeological features were present at the northern and southern ends of the application area. These included a series of enclosure and boundary ditches containing concentrations of pottery. This evidence was indicative of Iron Age and Roman settlement activity. For this reason it is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). Conditions are requested to this effect.

Environment Agency: No objection subject to the imposition of certain conditions and informatives being imposed on any permission issued.

Lead Local Flood Authority (County Drainage): No objections

If there have been no changes to the drainage proposals, and the IDB are still satisfied with the discharge rates, points of connection and easement proposals then please refer to our previous responses attached which recommend condition. We would welcome any opportunity through these new applications, however, for the SuDS proposals to be enhanced to provide multi-functional benefits, including opportunities for water resource management such as rainwater harvesting and water butts if not already proposed. Source control features provide storage and treatment, but tree pits and raingardens also offer additional enhancements to public realm and biodiversity which could meet wider sustainability aims.

Previous comments:

The LLFA are satisfied that the submitted Flood Risk Assessment (FRA) and calculations satisfactorily demonstrate that the overall discharge rate can be maintained in line with existing greenfield rates (8.3l/s). It was also noted that the rate, connections and any easements would need to be agreed with the Somerset Internal Drainage Board. There were some initial concerns raised in respect to the use of attenuation crates in addition to the use of a basin, rather than the site being fully attenuated by basins. This related to concerns over the ease of maintenance of these systems. Further information was requested to address these concerns. The applicant confirmed that following discussions with Wessex Water, the proposed attenuation crates would not be adoptable, however details of similar products were provided, which Wessex Water would be happy to adopt. In response to this and accompanying supporting information,

the LLFA are content that the proposed drainage strategy is achievable, while limiting discharge to existing greenfield rates. As such, no objections are raised, although the details of the final scheme should be conditioned.

Somerset Drainage Board Engineer: No objections have been raised in principle, although it is requested that trees shown on the plans are removed from the Board's maintenance strip. A condition is requested to agree the details of management and maintenance arrangements.

REPRESENTATIONS

46 letters of objection have been received from local residents of Martock and 1 representation making comments. The main points raised include:

- 120 houses is too many for Martock. The village infrastructure is not equipped to deal with the increased number of houses. Local facilities/services (shops, chemist, GP surgery, dentist, school, recreation ground, etc.) are already overloaded. This development will exacerbate the situation. The village infrastructure is not equipped to deal with the increased number of houses. There are also insufficient jobs within the village, leading to increased levels of out-commuting.
- The proposal would lead to a significant increase in housing numbers beyond the Local Plan target of approximately 230 (approx 42% over). There have been other applications refused where the Planning Inspector has dismissed the subsequent appeals, considering that the housing levels proposed were such that they would unacceptably conflict with Local Plan Settlement Strategy. These were Laver Oak, which would have seen the Local Plan figure exceeded by 50%, and Ringwell Hill, where the figure would have been exceeded by between 32-40%. The Local Plan target of 230 homes equates to 11 houses per year. The scheme therefore represents 11 years supply of housing. In fact it is understood that the number of houses built or with active permission so far in the current Local Plan period is 206, in which case the proposed extra 120 houses would take the number to 326, equivalent of 42% over the target with 9 years remaining.
- The proposal conflicts with elements of the emerging Martock Neighbourhood Plan, particularly in respect to housing numbers and views towards the tower of Martock Parish Church.
- Concerns in relation to the impact of construction traffic, in respect to both highway safety and neighbouring amenity.
- Increased traffic flow using Coat Road and the junction with North Street, is of concern, as congestion is currently an issue in Martock. Concerns in respect to the safety of local cyclists, pedestrians, joggers and dog walkers is raised too.
- The proposed parking provision is below the levels required by the Somerset County Council Parking Strategy.
- Consideration should be given to why the previously approved scheme for 95 homes was not carried out, and whether the development of this site is viable.
- The proposed layout is too high density, and the design of the properties is worse than the previously approved scheme.
- The proposal unacceptably encroaches into greenfield land.
- Concerns raised in respect to historic flooding in the locality, and as to where excess surface water will go. Will existing drains and sewage infrastructure will be able to cope? Concerns are also raised about the ability to maintain the proposed SuDS.
- The site is of great benefit to local wildlife and ecology, which will be adversely impacted.

Applicant's Case

This application is a resubmission of the Refused Application. This application provides an opportunity for the Council to make a decision at a local level which could reduce the wasted time and cost associated with an unnecessary appeal. To assist the Council in its decision making processes, we have addressed

the Reasons for Refusal for the Refused Application in full.

The principle of the development of the Application Site for housing has been accepted by the Council. Planning Permission was granted for the erection of up to 95 dwellings on the Application Site. However, the permission expired in May 2017 without development having commenced. It is noted that the Council still rely on the Site coming forward for the purposes of demonstrating its housing supply position.

Reason for Refusal 1

The LPA allege that the proposals will contribute to a scale of development at Martock that would be contrary to the intended growth strategy and settlement strategy in the Local Plan.

By reference to the role, function and character of Martock and its location within the District including its proximity to the main town of Yeovil, the applicant considers that it is a suitable settlement at which to accommodate additional housing.

As indicated above, it is accepted that the proposals would lead to more than 230 new homes being provided at Martock. However, in the context of the presumption in favour of sustainable development, policy SS5 is considered to be 'out of' date and the benefits of the proposals in providing urgently needed market and affordable housing must be balanced alongside the level of growth envisaged in the policy.

The level of new housing that would be provided if the application was to be allowed would not be equal to either that intended for Primary or Local Market Towns identified in the Local Plan such that a disproportionate scale of new housing would be accommodated at Martock. There is no risk that the overall settlement hierarchy would be altered or disrupted to any demonstrably harmful extent. Further, there is no risk that development on this scale would prejudice the achievement of the settlement hierarchy as set out in SS5. Therefore, whilst there may be a conflict with policy SS5 purely on a numerical basis, the development would be consistent with the spirit of the Local Plan when read as a whole.

For these reasons, and in the context of Policy SS5 being considered to be an 'out-of-date' policy, the applicant considers that the number of new homes that will result from the proposals being granted planning permission does not materially prejudice the established settlement hierarchy or the achievement of the over arching aims of the plan. In short, no planning harm will result from the numerical exceedance of the 230 figure stated in policy SS5.

For these reasons, the applicant contends that the scheme does not represent an unsustainable housing proposal.

Reason for Refusal 2

The LPA allege that the scheme would contribute to an unsustainable settlement pattern of development contrary to the principle in the NPPF that new homes and jobs should be colocated. The Council's concern in this respect focusses on the fact that this would increase 'out-commuting'.

Therefore, whilst this reason for refusal appears to be based on sustainability (which has already been addressed in Reason for Refusal 1), the Council's concerns appear to relate mainly to the potential impact of the appeal scheme on the surrounding highway network.

Martock is identified as a Rural Centre because it has a wide range of local facilities. These are described in the Transport Assessment that accompanies this planning application. The facilities include a range of small shops that meet the day-to-day needs of local residents, a library, doctor's surgery and a primary school. Yeovil, the main settlement within the District, serves a wide hinterland and includes a range of higher order services and facilities. Martock is in close proximity to Yeovil and benefits from bus based public transport, again as described in the Transport Assessment.

Notwithstanding the above, the applicant accepts that residents of the proposed development will travel by car to various destinations. This manifests itself in additional trips on the local highway network. However, the Local Highway Authority did not object to the Refused Application in these, or in any other, terms. There is no indication that the Highway Authority has changed its position in this respect.

The Transport Assessment also demonstrates that the proposed development will not have an unacceptable adverse impact on the local highway network. No evidence has been produced that would suggest that the conclusions of the Transport Assessment are flawed.

On this basis, the increase in traffic arising from the scheme is not considered to result in either an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Therefore, "out-commuting" of itself should not be seen as a reason to refuse the application.

In this regard, it is significant that the Council do not allege that the proposed development conflicts with Policy TA5 which specifically concerns the transport impact of new development.

Turning to the matter of employment land within Martock regard must be had to the South Somerset District Council Employment Land Review (June 19). That report considers at section 5.12 Martock and Bower Hinton as a combined settlement but it provides detailed evidence on this point.

Paragraph 5.12.1 states: 'Martock and Bower Hinton is in close proximity to Yeovil (circa 7 miles) and just off the A303. Whilst there are a range of employment opportunities in manufacturing, construction, retail and the service sector, and a healthy sized business park, over 50% of the population out-commute to work, mainly in Yeovil'. It is of note that the Refused Application was refused on the grounds that there is a net out-commuting figure of 60% which is contrary to the Councils own evidence on this matter.

Paragraph 5.12.2 continues: 'The existing Local Plan has an expectation for Martock and Bower Hinton to deliver circa 3 hectares of land for economic development to improve its self-containment level and reduce out-commuting'.

It is suggested within the report that there has been a reduction in employment land during the local plan period to date (2006 - 2018), however this does not represent a true picture of the situation that exists. Paragraph 5.12.4 states: 'Whilst an analysis of completions during the Local Plan Review period (2016-2018) illustrates the low level of delivery of employment land in Martock to date (as at 31st March 2018, there was a loss of land for B use activities and there was no land under construction), future supply looks healthy.'

Indeed, planning permission has been granted for two employment areas - a 1.2hectare extension to Martock Industrial Estate, and the change of use of agricultural buildings for B1/B8 uses at Stoke Road, Martock on 1.6 hectares of land. It is understood that the later of these has commenced and the first units are available for occupation.

It is clear therefore that there is employment development and growth within the district. The proposed development does not result in the loss of any employment land or opportunities and does not prejudice the delivery of further employment opportunities within the settlement.

The dwellings comprised in the proposed development will include "home office" facilities to encourage home working. Further, a Travel Plan will be produced and implemented the objectives of which are to increase awareness of travel choice and ensure the effective use of resources by encouraging the use of alternative, non-car travel modes. This will ensure that the level of out commuting is reduced in so far as possible.

Therefore, in summary:

- a) the settlement is a sustainable for location for new housing development with a wide range of facilities required for day to day living (together with a wide range of employment opportunities) accessible on foot or by bike;
- b) "out-commuting" is, essentially, a highways reason for refusal. The Transport Assessment demonstrates that the development will not have an unacceptable adverse impact on the surrounding highway network
- c) the development does not erode the supply of employment land and does not prejudice the delivery of additional employment development within the settlement
- d) two large areas of employment development have recently been granted planning permission and are being built out; and
- e) the development has been designed with measures to reduce the need to outcommute in so far as possible (e.g. the provision of home office facilities and the implementation of a Travel Plan)

It is, therefore, clear that the second Reason for Refusal raised in respect of the Refused Application is based solely on assertions which are unsupported by any objective or evidence.

Reason for Refusal 3

The Council alleged that only 75% of the homes are aligned to maximise solar gain. This calculation is incorrect. The applicant considers that circa 80% of the homes are aligned to maximise solar gain. This is considered to be far in excess of the majority of developments approved within South Somerset.

The Council goes on to allege that, as a result of its conclusion that "only 75%" of the homes are aligned to maximise solar gain, the layout is contrary to sustainable construction aims and objectives in the Local Plan. The policy and its supporting text does not provide any prescriptive approach to solar gain and in fact solar gain is one facet of design and sustainability and it would be counterproductive to design a proposal to achieve higher than 75%..

Policy EQ1 does not specify a percentage requirement for the minimum number of new homes on a development which are required to be aligned to achieve maximum solar gain. The policy also considers a number of other facets that need to be considered in establishing whether a development will achieve the sustainable construction aims of the Local Plan.

Policy EQ1 comprises the following criteria:

- a) Minimising Carbon Dioxide emissions through energy efficiency measures, renewable and low carbon strategy
- b) Achieving Code for Sustainable Homes - no longer in existence and therefore not applicable
- c) Development of renewable and low carbon energy generation - not applicable to this scheme
- d) Wind Turbines - not applicable to this scheme
- e) Development to be directed away from medium and high risk flood areas - this relates to this scheme and the development is not within a medium or high risk flood area.
- f) Development should include Sustainable Drainage Systems - this has been incorporated within the scheme
- g) Climate Change should be considered in the design of new development, incorporating measures such as solar orientation, maximizing natural shade and cooling, water efficiency and flood resilience
- h) Susceptibility to climate change should be taken into account on all proposals to develop sites with biodiversity interest - this has been incorporated within the scheme.

It is of note therefore that policy EQ1 covers a range of sustainable measures. The policy covers eight matters. Solar orientation is just one of the five measures mentioned in point (g). Therefore, it is not the case that if a minimum percentage of dwellings are not aligned for solar gain, planning permission should

be refused. Rather, policy EQ1 required a holistic approach to be taken when assessing whether a development meets the sustainable construction aims of the local plan.

In this regard reference is drawn to the submitted document entitled 'Sustainability Statement' produced by Environmental Economics which considers in detail the sustainable construction measures of the scheme along with the requirements of Building Regulations.

That report highlights that the scheme has been designed to consider and have regard to sustainability by means of the following categories:

- Reduction in regulated Carbon emissions by improvement to the build / fabric specifications (point A of policy EQ1 as shown above. Paragraph 4.5.4 of the report confirms that through the measures used within this development there will be a reduction of 5.8% against Build Regs);
- Water Consumption (point G of policy EQ1 as shown above);
- Solar Orientation / Overheating Risk (point G of policy EQ1 as shown above);
- Electric Vehicle Charging (point A of policy EQ1 as shown above);
- Green Guide Ratings of Construction Elements (whilst not covered in the policy this concludes that the development will achieve an 'A+' rating for its construction will create the lowest possible environmental impact);
- Smart Metering (whilst not covered specifically within the policy this will assist in educating future home owners so as to reduce their energy consumption);
- Internal Recycling Storage (whilst not covered specifically within the policy this will assist in the management of waste and recycling to create a lasting benefit for residents); and
- Low risk of overheating and therefore less requirement for the future fitment of air conditioning equipment (point G of policy EQ1 with particular regard to the point re solar orientation).

For these reasons, it is considered that the development proposals are entirely in accordance with policy EQ1.

Reason for Refusal 4

The Council alleged that too few car parking spaces have been provided and that the level of car parking should accord precisely with the Somerset Parking Standards. This stance was not supported by the Highway Authority who had no objection to this matter on the Refused Application.

It is of note that the standards are not prescriptive quantum that require strict adherence. Departures are permissible having regard to locational specific considerations. This is evidenced within the Transport Assessment that accompanies this planning application.

The Parking Strategy (March 2012) produced by Somerset County Council requires that the development should provide 307 spaces which include 24 visitors parking spaces. This gives a ratio of 2.6 spaces per dwelling on average appears which is not only unnecessary as it is significantly above the levels of car ownership anticipated to be associated with the residents of the development, it is also inconsistent with achieving the Council's aims of achieving a sustainable form of development. The accommodation of the private motor car should not be put above the delivery of high quality developments with a strong sense of place.

The Transport Assessment sets out at paragraphs 2.4.1 through to 2.4.4 that when regard is had to bespoke car ownership data based on the 2011 census obtained from the Office of National Statistics (a method endorsed by the NPPF) it is clear that the development will generate car ownership from residents of between 176 and 186 vehicles. This means that the latest and more up to date methodology for calculating parking requirements compared to the SCC none prescriptive quantum is just 60.5% of the standards set out in the 2012 County Council Parking Strategy.

Furthermore, the application proposes 268 spaces comprised of 232 allocated spaces, 13 visitor spaces and 23 allocated garages. As such the proposals have a parking provision that is 144% above that required utilizing data on car ownership from the Office of National Statistics. As such it is clear that the application proposals comply with policy TA6.

CONCLUSIONS

It is clear from the foregoing that whilst a previous application was refused planning permission by South Somerset District Council the Reasons for Refusal were unfounded. The reasons were based on assertions that were unsupported by any evidence or objective fact based analysis. In many cases, as explained above, the reasons for refusal are inconsistent with each other and/or factually wrong.

This report has sought to demonstrate that notwithstanding the previous refusal the scheme has been designed to adhere to the applicable policies and should therefore be supported by officers as the development will deliver:

- 120 new dwellings (both market and affordable);
- Open space for the benefit of existing and future residents;
- Associated infrastructure to service the above; and
- Contributions to education, open space and to ensure the affordable provision is met.

We therefore request that the application be approved in accordance with the applicable planning policy framework at the time of determination which has been set out in the foregoing.

Previous applicant's case:

"The application site was previously granted Outline planning permission in 2014 by the Area North committee. The site is also identified in the Local Plan Review Report (February 2019) as a preferred option for residential development.

The consultation process has demonstrated that there are no technical reasons as to why this application should not be supported. Issues such as traffic, drainage and ecology have all been fully addressed as part of the submission.

The proposal will also deliver significant economic and social benefits including 35% (42 homes) affordable housing and financial contributions through the Community Infrastructure Levy and Section 106 agreement.

South Somerset does not currently benefit from the required 5 year supply of housing and therefore policies that seek to guide the location of housing developments are considered to be out of date. This site has previously been granted permission for residential development and has been identified by the Council as being a suitable location for new homes. Supporting new development in this location would contribute towards the Council's supply and would assist in resisting proposals in locations that are not considered to be appropriate."

CONSIDERATIONS

Principle of Development

This application for outline planning permission seeks approval for a 120 house residential development with all matters except access reserved. The principle of residential development has previously been established on this site, following the earlier grant of outline planning permission 13/02474/OUT, and

subsequent approval of reserved matters application 15/01021/REM. These schemes approved the erection of 95 homes, although these permissions have since time expired. Notwithstanding this, the principle of development remains. The South Somerset Local Plan identifies Martock as a Rural Centre and as such has been identified as a sustainable location for growth, particularly where this meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement.

A strategic housing target of 230 dwellings has been proposed over the plan period (2006-2028), of which according to the latest collated figures, 122 were complete (as of March 2018) and a total of 93 committed (as of January 2019), giving a total of 215 homes, subject to updated figures. The number of commitments was previously higher as this included the now expired permission for 95 units. Should the proposed development be approved, the housing numbers would be in the region of 335, exceeding the housing target by 115 units (approximately 46%).

The Parish Council, and many contributors, have objected to the proposal for several reasons, including that there is an over-provision of housing proposed for Martock. With the local plan strategic housing target of 230 dwellings close to being met without taking into account this proposal, and recent appeal decisions (Ringwell Hill and Lavers Oak) telling against large scale increases in the level of housing in Martock so early in the Local Plan period, this is a matter for serious consideration. In these aforementioned appeals, the schemes proposed 49 dwellings and 91 dwellings respectively, equating to a 32% and a 50% increase in housing provision over the strategic housing target. In both cases it was considered that this level of development would comprise an overprovision of housing well beyond the broad levels envisaged for this settlement, thereby constituting a substantial failure to accord with the settlement strategy set out in Local Plan policies SS1, SS4 and SS5. It is notable however that in both cases, other reasons for refusal were also given substantial weight in the final planning balance. In the case of Ringwell Hill, the Inspector adjudged the site to be unsustainably located due to its distance from Martock's key services, while there were significant landscape and local character objections that weighed against the Lavers Oak Scheme.

It is noted that the Local Planning Authority are still currently unable to demonstrate a five year supply of housing sites, a position that has worsened since the Ringwell Hill and Lavers Oak scheme were considered. In the context of the National Planning Policy Framework; Local Plan policies SS1, SS4 and SS5 are still considered out of date as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Clearly, the housing numbers proposed are significant and do lead to a substantial increase over the housing strategy figure. Notwithstanding this however, it remains the case that the housing figure of 230 dwellings is a minimum, not a maximum, and under Policy SS5, a permissive approach will be taken for housing proposals, in advance of a Site Allocations Development Plan Document. The ongoing inability of the LPA to demonstrate adequate provision of housing land, and its worsening position, does need to be given appropriate weight. It is also noted that despite the increase, the resulting housing numbers would still be under the target stated for the smaller Market Towns within the next tier of the settlement strategy. The settlements of Somerton, Langport/Huish Episcopi, and Castle Cary/Ansford, which are designated as Local Market Towns, all have an identified housing target of 374 homes each. The total of completed and committed housing for Martock would remain below this figure. Furthermore, a recent appeal in Henstridge (Land West of Stalbridge) was allowed, approving up to 130 dwellings in a Rural Settlement. This was not viewed as conflicting with the overall distribution strategy, despite the fact that an increase of this scale would exceed the figures identified in the smallest of the Rural Centres (Stoke Sub Hamdon), where a housing target of 51 houses is allocated.

On the basis of the above, serious consideration has to be given to whether the increase over and above the strategic housing target should be considered so harmful to be unacceptable or considered to comprise

unsustainable development, particularly noting the District-wide shortage in market and affordable housing. Despite there being an adverse impact identified, it is not considered to be so unacceptable as to warrant being a sole refusal reason, noting the benefits associated with the development. As such, it is considered that the development of this site for residential purposes, of the scale identified, could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any relevant policies within the NPPF that provides a clear reason for refusing the development proposed, or any adverse impacts that would significantly and demonstrably outweigh the benefits of the development.

Character and Appearance

Notwithstanding the objections to the number of houses proposed, concerns also have been raised by local residents and the parish council regarding the impact of the proposal on the character of the area, the setting of the nearby heritage assets, specifically views towards the tower of Martock Parish Church, and the wider landscape character. Overall, the principle of developing this site has been considered previously, with permission granted. The site is considered to be one of the few sites beyond the developed edge of Martock that can comfortably accommodate a larger development scheme without having major adverse impacts on local character. In considering the previous approvals, it was noted that the application site was evaluated as having capacity for development in the peripheral landscape study of Martock carried out in 2008, and as a result concluded that there were no landscape issue with the principle of developing the site for housing. The site is visually well contained by existing hedgerows and any development would not be unduly prominent on the wider landscape.

The proposed indicative layout of the site follows the main principles of the previously approved schemes, with a central spine road from the proposed access to the north to the south of the site.

The proposed indicative layout indicates that parking levels can be achieved that will be to the satisfaction of the County Council Highway Authority.

The indicative layout shows that a scheme can be realised that allow for an acceptable relationship between the dwellings along the east boundary of the southern part of the site and those in the adjoining Hills Orchard development.

In conclusion it is considered that the indicative layout is acceptable and that the numbers of dwellings proposed can be accommodated comfortably.

Flooding and Drainage

There is a history of surface water flooding within Martock, both within and around the site, and further afield. Concerns have again been raised in respect to surface water runoff, the effectiveness of the proposed drainage strategy, and future management and maintenance arrangements and responsibilities. As a starting point, the proposed strategy includes the provision of two new attenuation ponds within the site but also includes underground attenuation measures too. The Lead Local Flood Authority (LLFA), who are now the Statutory Consultee on these matters, are satisfied that the strategy would restrict surface water runoff into the adjoining ditch to greenfield rates of 8.3l/s. There were some questions marks over the use of underground attenuation crates, and the ability to effectively maintain them, however the applicant has previously provided information to the LLFA, following discussions with Wessex Water, in which details of alternative underground attenuation products have been provided, which Wessex Water would be able to adopt. As such, the LLFA are satisfied in principle, however have noted that there is a further need to agree rates of discharge, etc. with the Parrett Internal Drainage Board. The Drainage Board have also provided comments, also raising no objections in principle. A condition was requested in relation to maintenance and management arrangements, details of which will be requested alongside the final drainage scheme.

Overall, the drainage strategy gives sufficient reassurance that the site can be effectively drained, with conditions proposed for the agreement of the final detailed drainage scheme, along with details of future ownership and maintenance. In this respect, it is anticipated that Wessex Water would 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.

Highways

As with the previous schemes, a large number of concerns have been raised by neighbouring occupiers, and the Parish Council, regarding the potential impact of the proposed development on the surrounding highway network. In particular concern has been raised about the volume of traffic the scheme will generate and the various impacts this extra traffic will have. The County Highway Authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal and have raised no objection in respect to impact on the local highway network. In considering the layout, there are some minor matters that may require amendment, however it is advised that these may be dealt with at technical approval stage. A few minor safety concerns were also identified, however following the undertaking of Road Safety Audits by both the applicant and Highway Authority, these were not considered to raise significant concerns to warrant refusal of the scheme.

It is noted that there are some concerns raised by local residents in respect to the levels of parking, as these are short of the County Council Parking Strategy optimum standards, however the Highway Authority have not raised this as a matter of concern. Each property is served by 2 or 3 parking spaces, which is considered to be acceptable, particularly noting the relatively close proximity, and accessibility of the local services.

Subject to the imposition of suggested conditions, and consideration of the final detailed design post-approval, the Highway Authority are satisfied with the proposed development.

There is also a public right of way, running to the south of the site, with a link proposed from the development site. The County Rights of Way Officer has raised no objections but advised that the link should be made a bridleway, which would allow its use by horse riders and cyclists. These matters would be dealt with alongside any Section 38 adoption agreement with the County Highway Authority.

Residential Amenity

Although the proposal is in outline consideration has been given to the impact on adjoining residents, particularly those occupying properties along Coat Road, and on the western edge of Hills Orchard, however the indicative site plan is appropriately laid out to avoid unacceptable harm through any direct overlooking or other impact. As such, it is considered that the indicative layout will not cause demonstrable harm to the residential amenity of adjoining occupiers.

Ecology

Some concerns have been submitted by neighbouring occupiers and supported by the comments of the parish council in relation to the impact of the proposal on local ecology. Notwithstanding this however, other than the removal of a section of 10m of hedgerow, the existing structural landscaping, comprising large hedgerows and trees around the site will remain, preserving much of the existing habitat. In support of the application, a comprehensive assessment has been made of the ecological constraints, with the findings of the submitted ecological reports, and their recommendations supported. There will be some damage to an existing badger sett, however any works to relocate badgers to a new sett will need to be carried out fully in accordance with Natural England regulations and guidance. Similarly other protective measures, mitigation and biodiversity enhancements will be carried out in accordance with submitted details. On this basis, neither the Council's Ecological Consultant, nor Natural England raise any

objections.

Natural England have also given consideration to the impact on the Somerset Levels and Moors Special Protection Area, with the conclusion being that the proposed development will not have likely significant effects, and therefore they have no objection to the proposed development. To meet the requirements of the Habitats Regulations, it is however advised that the decision on whether a likely significant effect can be ruled out is recorded. The following justification is suggested:

"The Ecological Impact Assessment (EclA) considers the Somerset Levels & Moors designated site and concludes that impacts are not likely to occur; the rationale for this is set out in paragraph 4.1:- The Somerset Levels and Moors SPA/Ramsar is designated for birds and therefore sensitive to disturbance such as dog walkers or other recreational activities. The Site is well linked to a network of footpaths in the surrounding area and it is therefore considered unlikely that residents would travel specifically to areas of the SPA for recreation. No significant impacts are therefore predicted. Given the distance between the Site and the SPA/Ramsar no impacts during construction are predicted."

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

Archaeology

The South West Heritage Trust were consulted as to the impacts of the development on any archaeology in the area. No objections were raised to the proposal, however it was noted that a geophysical survey and trial trench evaluation had been carried out in 2013, of which no reference had been made in this application. It was advised that the trial trench evaluation demonstrated that two significant concentrations of archaeological features were present at the northern and southern ends of the application area. These included a series of enclosure and boundary ditches containing concentrations of pottery. This evidence was indicative of Iron Age and Roman settlement activity. This is not considered to be a constraint to development, however it is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made. Conditions are requested to this effect.

Climate Change

The applicant has provided a commitment that it will reduce carbon emissions by 15% of the proposed development through the use of improvements to the fabric of the building and the inclusion of photo voltaic panels.

The adopted Local Plan does not set out quantifiable parameters for carbon emission reduction, however sets out aspirational requirements to ensure carbon emissions are minimised.

The applicant states that: "The maximum carbon emissions for this site to achieve the minimum level of compliance is 171,481.7 kg CO₂. By utilizing both fabric and PV the carbon emissions for the site have been reduced to 145,802 kg CO₂, which is equivalent to a 15% reduction over regulations. A total of 35.64 kWp of PV with a South orientation has been used to achieve the 15%."

This will be secured by inclusion in the s106 agreement.

Planning Obligations

SSDC Community, Health and Leisure, and County Education

The SSDC Community, Health and Leisure department have sought contributions towards local outdoor

playing space, sport and recreation facilities of £344,842 (£2,874 per dwelling). This includes contributions towards the provision of on-site equipped play, off site youth facilities, playing fields and changing rooms, as well as commuted sums for ongoing maintenance of the facilities. This can be reduced however, as the applicant intends to provide and maintain the LEAP (on-site equipped play). The reduced amount would equate to £193,365 (£1611 per dwelling).

Open Space

£3,204.51 is requested to make an off-site contribution to address a slight shortfall in on-site public open space. This would go towards enhancements at Hills Lane recreation ground. The provision of a mitigation fund is also requested, to enhance the Sustainable Urban Drainage System (SuDs). A contribution of £18,000 is sought in this respect, although this could be reduced by approximately £7,000 if the developer carries out some of the work, with the Council's guidance and specification)

Education

County Education have stated that this application is similar to the application ref 19/00064/FUL submitted earlier in the year. At that time it was established that there is a space in the primary school which could be remodelled and improved to enable it to become another classroom for the children from this development. Due to this we just require the minimal sum of £50,000 to make the changes to the school. In addition to this there is a need for early years (pre-school) places. In accordance with our updated pupil yield data and the current cost to build this makes a requirement of:

120 x 0.09=10.8 (11 Early years pupils)

11 x 17,074= £187,814 for expansion of early years providers.

Affordable Housing

SSDC Strategic Housing have requested, on the basis of their policy requirement of 35% affordable housing, split 80:20 social rent: intermediate, the provision of 42 affordable units, of which 34 should be for social rent, and 8 for other intermediate affordable housing solutions. The following property mix is proposed:

Social Rent;

8 x 1 bed

16 x 2 bed

4 x 3 bed

Other intermediate affordable;

10 x 2 bed

4 x 3 bed

In submitting the application, the applicant proposed a mix of 8 x 1 bed, 26 x 2 bed and 8 x 3 bed, the proposed split being 67% social rent to 33% intermediate products. It is noted however that this differs from the current request of 80:20 social rent: intermediate, which it is stated is evidenced by the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016). The applicant has stated: "The desired mix of affordable housing will be negotiated with the District Council's housing officer to ensure it responds appropriately to local needs. The affordable housing provision, including mix and tenure will be secured by a Section 106 legal agreement between the applicant and South Somerset District Council", however the property mix remains as submitted, which does differ from the mix proposed by the Strategic Housing Officer. Despite this, in terms of the numbers proposed, the proposal does provide a suitable level of affordable housing, and while the sizes differ from that requested, it is questionable whether this would warrant a recommendation of refusal, particularly noting the 5 year land supply issues.

Climate Change

Secure a 15% reduction in carbon emissions over regulation.

Community Infrastructure Levy (CIL)

The proposed development will also be liable for Community Infrastructure Levy (CIL) payments, which cover some of the strategic facilities requested earlier.

Planning Balance and Conclusion

The principle of developing this site has previously been established, and there have been no significant changes in Local or National planning policy to alter this view. The scheme has been assessed and is considered to be generally acceptable, with most of the key considerations satisfied. The main issue outstanding relates to the increase in numbers proposed on site, in respect to the impact that this will have on the settlement strategy. Weight has been given to the previously dismissed appeals in Martock (Ringwell Hill and Lavers Oak), however significant weight also has been apportioned to the Council's worsening 5 year housing land position, and the most recent appeal at Henstridge. In assessing this against the NPPF requirement that where the most important policies for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, it is considered that the harm identified by exceeding the housing target for Martock to the degree proposed is not such to outweigh the benefits. It is also noted that the applicant seeks to demonstrate their commitment to delivering the housing benefits promptly by requesting that any permission be restricted to commencement within one year. Should permission be granted, this condition will be imposed.

In all other aspects, the development is considered to be acceptable and thereby comprises an appropriately designed scheme that will form an acceptable addition to Martock, without adversely impacting on local flood risk, ecology, archaeology, surrounding landscape character, residential amenity and highway safety.

RECOMMENDATION

The application **be approved** subject to:-

- i. The prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:
 - a) Secure a contribution of £193,365 towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority);
 - b) Ensure the provision, including future ownership and management of an outdoor equipped play area, to accord with SSDC LEAP specifications, (to the satisfaction of the Local Planning Authority);
 - c) Secure a contribution of £3,204.51 towards the provision of off-site public open space enhancements and £18,000 (or reduced amount, if the developer carries out some of the work, with the Council's guidance and specification) towards a mitigation fund to enhance the Sustainable Urban Drainage System (SuDs) (to the satisfaction of the Local Planning Authority);
 - d) Secure a contribution of £187,814 towards early years places to the satisfaction of Somerset County Council. A contribution towards primary places of £50,000 will also be required;

e) Ensure at least 35% of the dwellings are affordable with an appropriate tenure split (to the satisfaction of the Local Planning Authority); and

ii. conditions, as set out below:

01. Notwithstanding the local concerns, the development 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 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. Details of the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

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

03. The development hereby permitted shall comprise no more than 120 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

04. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the approved plans:

PL01 Site Location Plan
PL02 Existing Site Plan
PL03 Illustrative Site Plan

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

05. 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) 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;

- c) 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).
- d) Details of the material finish and construction of the private residential parking spaces. Unless otherwise agreed in writing by the Local Planning Authority, the parking spaces shall be constructed of porous materials;
- e) Details of the final treatment of Cobdens Rhyne, including materials and finish of the proposed bridge and culvert headwalls;
- f) Details of the materials for the construction of the proposed bin/cycle stores and bin collection points;
- g) Details of the design and material finish of the proposed sub-station.

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 policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

06. Within two months of the commencement of the permission hereby approved, details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation, management and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. The submitted details shall also include a management and maintenance plan, which shall include, details of land ownership, maintenance responsibilities, a description of the system, the identification of individual assets, services and access requirements, and details of routine and periodic maintenance activities. The scheme shall subsequently be implemented in accordance with the approved details before any of the dwellings hereby permitted are first occupied. Following its installation such approved scheme shall be permanently retained, managed and maintained thereafter, in accordance with the details agreed.

Reason: In the interests of highway safety and to ensure that the development is served by a satisfactory system of drainage, in accordance with policies TA5, EQ1, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

07. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
 - b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: In the interests of a UK protected species and its resting places, and in accordance with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

08. All external lighting shall be installed strictly in accordance with the specifications and locations set out in the design (Designs For Lighting LTD, Document Ref. 0906-DLF-LC-001-A, Dec 2018) as submitted and shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

09. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the 10m hedgerow section to be removed and any trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

10. Prior to clearance (same day) the 10m section of hedgerow to be cleared will first be inspected by a suitably qualified ecologist for presence of any nests or any other evidence of dormice. If hedgerow removal is undertaken between May and October, then following the hedge being found clear of any evidence of dormice it will be removed by hand and by mechanical excavator under the supervision of a suitably qualified ecologist. If hedgerow removal is to begin outside of these months, then it must be undertaken in two stages. Firstly any trees and shrubs within the section of hedgerow to be cleared will be cut down to 1m high above ground level, leaving trunks and root systems intact, between November and March inclusive, to avoid the period when dormice might be found in nests above ground and when the foliage on the vegetation is minimal. The clearance will be undertaken sensitively by hand using hedge cutters and saws. All cut material will be removed from the site. The second phase of the hedge removal will involve the removal of the root bases of the cleared trees and shrubs. This will be undertaken between May and October, when the animals are active and able to respond immediately. Clearance of the hedge will be undertaken by hand and by mechanical excavator under the supervision of a licensed ecologist. If any evidence of dormice is found all work will immediately cease and Natural England contacted. A letter confirming the successful undertaking of the hedgerow section will be sent to the LPA.

Reason: In the interests of a UK and European protected species. To ensure the development contributes to the Government's target of no net biodiversity loss and to provide gain where possible as set out in the National Planning Policy Framework; policy EQ4 of the South Somerset Local Plan (2006-2028); and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

11. Any works in the existing attenuation basin should be undertaken with care to avoid unnecessary harm to amphibians and reptiles encountered. Any animals found should be carefully moved to a nearby place of safety. In the unlikely event that a great crested newt is encountered, works must stop and Natural England consulted. If habitat management to the attenuation basin is required, e.g. strimming, this should be undertaken in winter, or at other times of year to a height of at least 50mm.

Reason: Reptiles and amphibians species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

12. The scheme hereby approved shall be carried out in accordance with the details and recommendations identified with the submitted Landscape Management Plan (Golby and Luck - Ref. GL1040, dated 20th December 2018) and the submitted Ecological Impact Assessment (Green Ecology - Ref. 0748-EcIA-FM, dated December 2018).

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; policy EQ4 of the South Somerset Local Plan (2006-2028); and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

13. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree and hedgerow protection measures prepared by Green Ecology (Ref: 0748-AMS -AE & 0748/TPP pp1-3) shall be installed in their entirety and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at planning@southsomerset.gov.uk or call 01935 462670). The approved tree and hedgerow protection measures shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

14. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. 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 following completion of the development hereby permitted or after the development hereby permitted is first brought into use, whichever is sooner; 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 the National Planning Policy Framework.

15. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of phasing of the investigations, the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

Reason: In the interests of safeguarding any archaeological remains on the site and in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

16. No building shall be occupied within a phase as set out within the WSI until the site archaeological investigation for that phase has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the Program of Works condition and provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: In the interests of safeguarding any archaeological remains on the site and in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

17. The scheme hereby approved shall be carried out in accordance with the details contained within the submitted Construction Environmental Management Plan (BDW Exeter, dated December 2018), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity and highway safety, in accordance with policies TA5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

18. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, 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 the National Planning Policy Framework.

19. 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 the National Planning Policy Framework.

20. The area allocated for parking and turning on the submitted plans unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be kept clear of obstruction used only for parking and turning of vehicles in connection with the development hereby permitted. The approved parking spaces shall be provided before each dwelling to which they relate are first occupied.

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 the National Planning Policy Framework.

21. Prior to the occupation of any part of the development hereby permitted, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

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

22. At the proposed access onto Coat Road, there shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 48m to the west and 54m to the east of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained 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 the National Planning Policy Framework.

23. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to any part of the development hereby permitted being first occupied, as required by Policy TA1 (ii) (low carbon travel) of the adopted South Somerset Local Plan and paras 35, 93 and 94 of the NPPF. Once approved, such details shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure that the development is resilient and sustainable in accordance with policy TA1 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
03. During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any trenches will need a means of escape, for example a plank or sloped end, to allow any animals to escape.
04. 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 Internal 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.
05. Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.
06. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

07. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>.
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Agenda Item 13

Officer Report On Planning Application: 19/02656/FUL**

| | |
|------------------------------------|--|
| Proposal : | The erection of 120 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping (Re-Submission) |
| Site Address: | Land OS 0002 South Of Coat Road Martock |
| Parish: | Martock |
| MARTOCK Ward (SSDC Members) | Cllr Louise Clarke, Cllr Neil Bloomfield |
| Recommending Case Officer: | Colin Begeman |
| Target date : | 16th December 2019 |
| Applicant : | Barratt Homes |
| Agent: (no agent if blank) | |
| Application Type : | Major Dwlgns 10 or more or site 0.5ha+ |

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area North Committee at the request of the ward member and in agreement with the Chair to debate and assess the main planning issues.

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.

BACKGROUND

This site has been subject to a series of planning applications.

An outline application 13/02474/OUT for 95 dwellings was approved subject to a s106 agreement 24/07/2014. This application was followed up with Reserved Matters applications, which have now lapsed and are no longer extant. The site does not benefit from an extant permission.

A further application 19/00064/FUL was submitted by Barratt Homes to construct an additional 25 dwellings over the previously approved scheme, taking the total of dwellings to 120. This application was recommended for approval to the Area North Committee who resolved to defer the application to the Regulation Committee for decision. The Regulation Committee resolved to refuse the application.

Barratt Homes informed the Council of its intention to appeal the decision. As part of the usual process Counsel's opinion was sought on the strength of the Council's case. Following the receipt of that advice the Council decided that it would not be actively defending the reasons for refusal if an appeal was submitted.

An appeal has now been submitted and is due to be heard by way of public inquiry on 4 February 2020

and as such preparations for the appeal are ongoing.

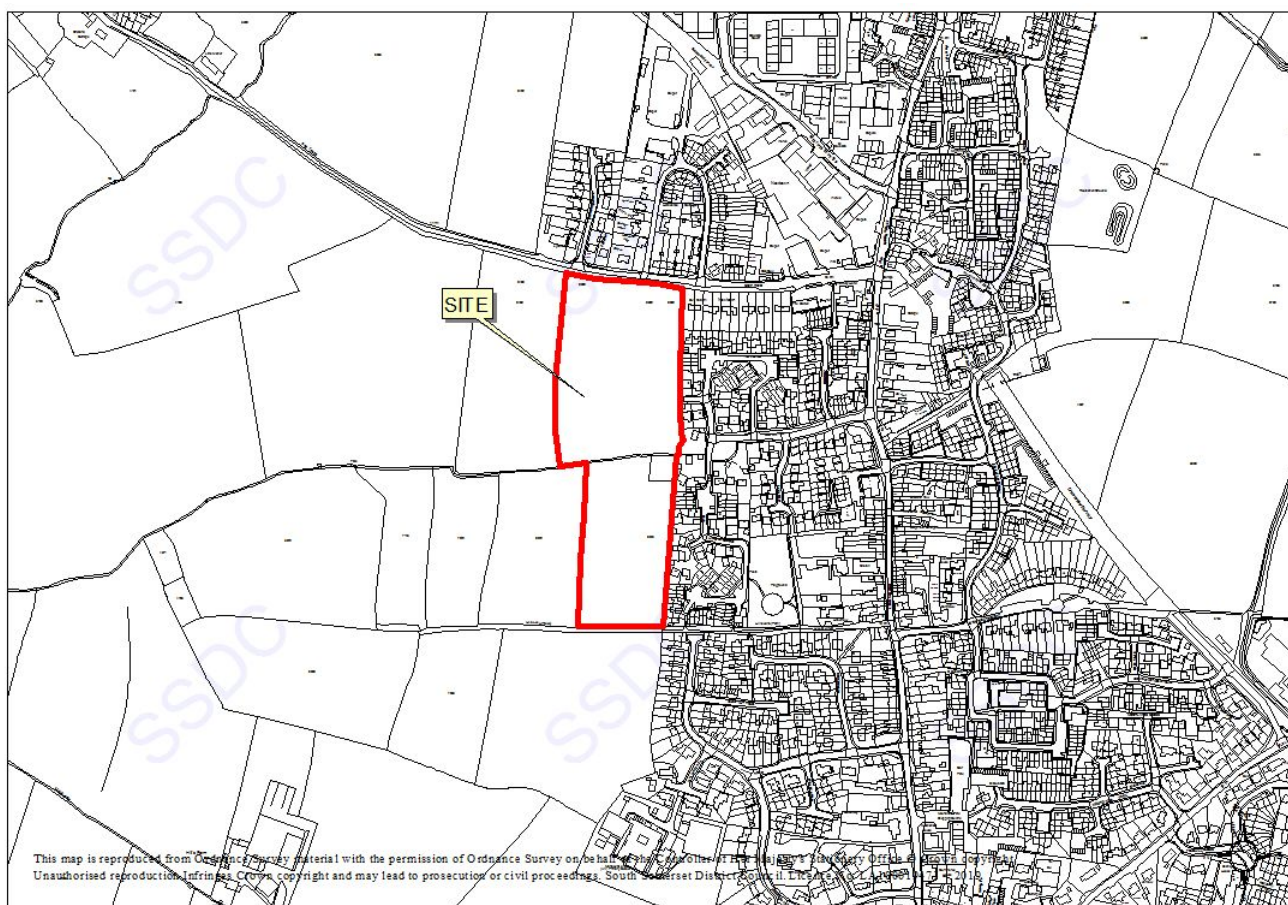
A meeting was held with the applicant, planning officers, the Ward Members, Vice Chair of Area North Committee and a representative of the Parish Council. The meeting was held to explore if there were any areas that the applicant could make to the proposed scheme to assist in alleviating the concerns of the Committee. The outcome of the meeting was to offer without prejudice or commitment from the members that increasing car parking spaces and committing to achieving over and above the adopted policy of reducing carbon emissions by 15% would be welcomed.

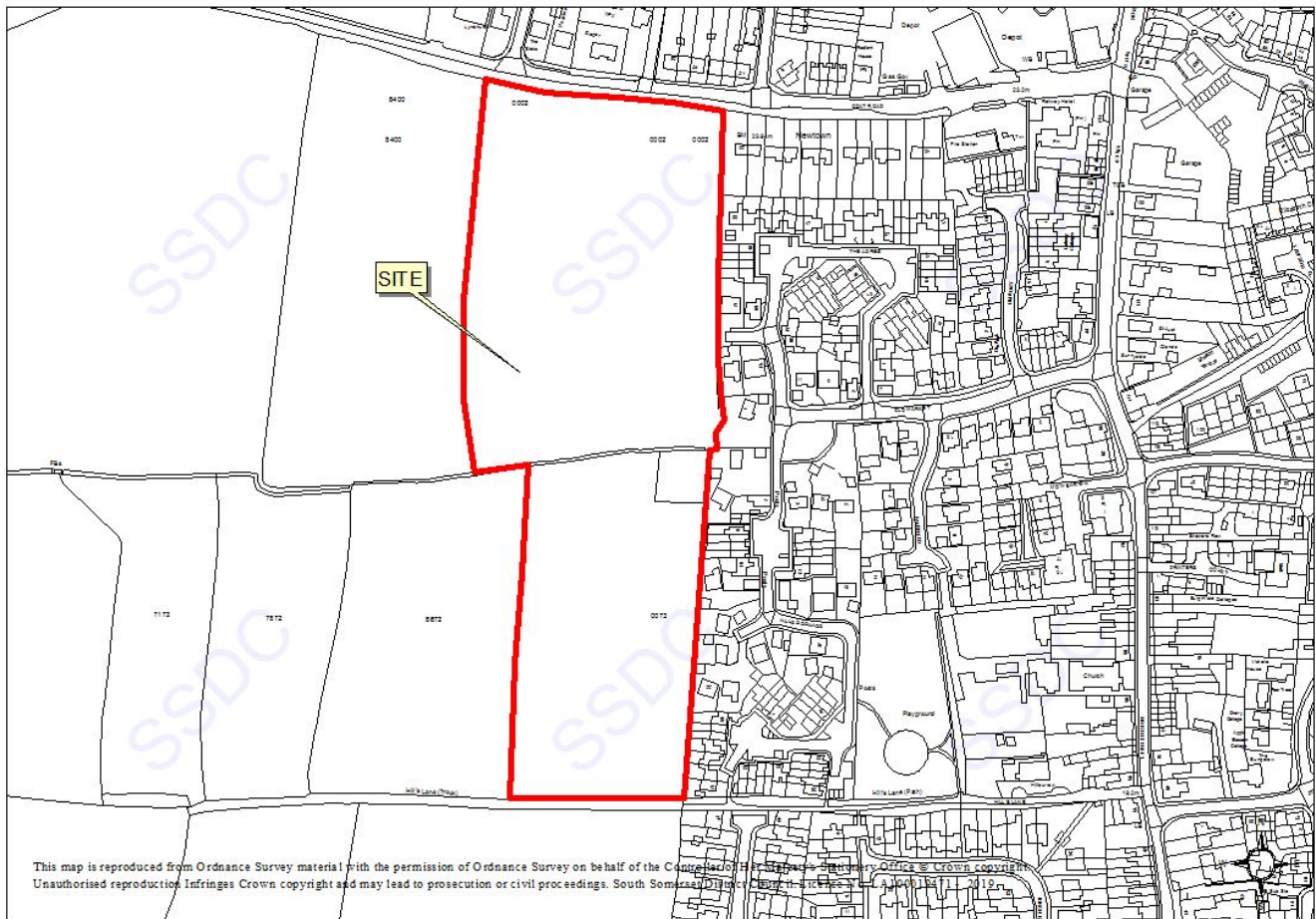
Barratt Homes have submitted two planning applications. One application in full 19/02656/FUL is identical to the previous application and one application is in outline 19/02646/OUT with only access to be considered.

This report discusses the full application.

The application is recommended for approval.

SITE DESCRIPTION AND PROPOSAL





The site consists of two agricultural fields currently in arable use. The two fields slope gently towards a central dividing ditch and are bounded on all sides by hedges of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

This application seeks full planning permission for the residential development of land, comprising 120 houses. The scheme includes the provision of vehicular access to the north, onto Coat Road, the provision of an on-site play area (LEAP), as well as surface water attenuation features, and landscaped area/informal open space. A range of dwellings are proposed from 1 bedroom apartments to 4 bedroom homes. 42 affordable dwellings are proposed and are spread through the site. A total of 268 parking spaces are proposed, with some provided within garages.

The dwellings incorporate a simple range of materials, comprising different brick types and reconstructed stone for external walls, and a mix of red and grey roof tiles. The layout includes a pedestrian link to the Public Right of Way to the south.

Permission has previously been granted on this site for 95 houses (13/02474/OUT and 15/01021/REM), however these permissions have time expired without commencement of the scheme.

This application is supported by:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Arboricultural Impact Assessment and Method Statement

- Landscape Risk Assessment and Soft Landscape Proposals
 - Transport Assessment incorporating Travel Plan
 - Flood Risk Assessment and Drainage Strategy
 - Ecological Impact Assessment
 - Outdoor Lighting Report and Drawings
 - Construction Environmental Management Plan
 - Site Waste Management Plan
 - Affordable Housing Statement
 - Statement in Support Planning Application
 - Sustainability Statement
- The houses would all be two storey dwellings. There would be:-
 - 22 four bedroom houses
 - 50 three bedroom houses
 - 40 two bedroom houses
 - 8 one bedroom units

HISTORY

19/00064/FUL: The erection of 120 homes together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping. - Refused - 19/07/2019

15/01021/REM: Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) Discharge of the remaining conditions on the outline permission will be subject to a separate application, and supplementary information relating to these conditions is included with this application - Permitted with conditions.

14/04206/REM: Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) and discharge of conditions 04 (Drainage), 05 (Maintenance of surface water drainage), 06 (Design and specification of access), 07 (Programme of archaeological work), 09 (Scheme for provision and management of 4m wide buffer zone), 10 (Detailed landscape strategy) and 12 (updated report for badgers sett) - Application refused for the following reason:

"The proposed design of the houses and the inclusion of 2 1/2 storey elements is out of character and incongruous with the established development pattern and character of Martock. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework."

13/02474/OUT: Outline permission granted for residential development of up to 95 dwellings at land south of Coat Road, Martock (access determined with all other detailed matters reserved). An associated Section 106 Agreement covers:

- Provision of Affordable Housing
- Contributions for the provision of Public Recreation and Leisure Facilities
- Education Contributions

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

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

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 4 - Decision Making

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 8 - Promoting Healthy and Safe Communities

Chapter 11 - Making Effective Use of Land

Chapter 12 - Achieving Well-designed Places

Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 15 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance - June 2019

National Design Guide - October 2019

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

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.

Martock Parish Council:

The Parish Council considered this application at their Extraordinary Full Council meeting on 23rd October 2019.

There were a large number of representations from parishioners on the matter.

After consideration it was proposed and agreed to recommend refusal of this application on the following planning grounds:

1. The proposals for achieving net biodiversity gain are inadequate:
 - There is no evidence that any of the sound suggestions to enhance biodiversity made in the Ecology Survey have been reflected in the Design Statement, the dwelling plans, the estate layout, the FRA, or the Arboricultural Survey;
 - There is no evidence that any of the surveys (dormouse and bat) requested by the Somerset ecologist have actually been carried out;
 - The development plan has important implications for wildlife. The proposed estate layout does not lend itself to wildlife networks and the central communal area, and drainage ponds have not been planned with biodiversity conservation in mind.
2. The number of off-road car parking spaces is below that required by national and local standards:
 - The number of car parking spaces in the proposed development is 39 fewer than the standard set by Somerset County which in turn reflects the national standards (Manual for Streets);
 - All the earlier Barratt development proposals on this site argued that the Somerset County standards for car parking should be followed;
 - The justification for reducing the number of car parking spaces given by the developer is based on a flawed interpretation of the data on the relationship between car ownership, tenure and number of bedrooms for the South Somerset Middle Super Output Area of which Martock is a part. A correction of this flaw (which relates to the numbers of zero-car households) leads to a number slightly higher, not lower, than that prescribed by the Somerset standards;
 - The proposed car parking strategy is simplistic and makes for inefficient use of the overall space allocated to parking.
3. The number of additional homes is greater than the number that can be supported by the current infrastructure and undermines the local plan settlement strategy:
 - The proposal for 120 houses would, (at the time of the Coat Road planning hearing), take the number of approved buildings to 326, which is 42% above the target with nine years of the plan still left to run (this is common ground agreed by the Planning Officer);
 - The village fully understands that the South Somerset District is unable to meet its housing land supply. 120 houses here would be of very considerable assistance in addressing the shortfall. We note that the Settlement Policy has implications throughout the District and that undermining it is likely to result in harms elsewhere;
 - We argue that this proposal would put considerable additional strain on already over-subscribed services such as education, youth and health;
 - We argue that this development, as it stands, is socially, environmentally and economically unsustainable and that the impact of it 'would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole' (NPPF paragraph 11).

4. The design of individual houses and the layout of the estate generally do not meet acceptable sustainable energy standards:
 - The South Somerset Climate Change Officer rejected both the previous two applications on the grounds that 75 of the 95 houses were unsuitably oriented to permit rooftop solar arrays. The same argument applies to this proposal but no objection was raised by the Climate Change Officer because his post had been abolished and the planning department made no alternative arrangements to seek a view on this;
 - We note from the Sustainability Statement that both the fabric and the overall building construction of these houses are designed to the lowest energy standards to remain within the law and fall well below the standard expected by local climate change policies. This fails to meet the principles governing the recent Local Plan Climate Strategy particularly given that the District has declared a climate emergency;
 - An unacceptably large number of houses is built in a way that prevents them benefiting in any way from solar gain, either because they shade their neighbours or because the design or orientation of their roofs prevent subsequent solar electricity generation.
5. The number of houses exceeds all objectively assessed needs and will increase out-commute from the village above the existing figure of 80%:
 - The objectively assessed need for housing in Martock carried out by South Somerset District is currently around 15 to 16 houses per year (LP review). Local assessments carried out in association with the development of the Neighbourhood Plan broadly agree with this figure;
 - The current out-commute figure for the village, carried out independently by South Somerset District and within the village produces a figure of around 80%. Building a housing estate of this size will increase this already unsustainable figure.
6. The balance of market housing fails to match local need:
 - All market housing needs analysis done both within the village, and within the area by South Somerset District, show an overwhelming need for smaller houses, particularly for first-time buyers. This is because the existing village housing stock consists mainly of 3 and 4+ bedroom houses. The market housing balance in this proposal is greatly skewed towards larger houses (22 4+bed, 42 3-bed houses, only 14 2-bed and no 1-bed apartments).
7. The existing vehicular, cycle and pedestrian infrastructure cannot adequately support the anticipated traffic to and from the development and no mitigating proposals whatsoever have been put forward:
 - The size of this development will impose an unacceptably high burden on the narrow adjacent streets and on the rural roads through the neighbouring villages of Coat and Ash. This is already a particularly difficult issue in Ash where traffic calming measures have had to be introduced;
 - While this proposed development is in principle within walking or cycling distance of village services there are many obstacles that currently prevent this happening safely and easily. The transport plan makes no proposals for overcoming these difficulties and it is unacceptable that the parish should be left to bear this burden.

County Highway Authority: It is advised that the proposal has been fully assessed by the Highway Authority, and as a result no objections are raised in principle, subject to the imposition of relevant highway related conditions. It is noted that some minor amendments were required, however they can be dealt with during the detailed design process. Two issues were identified, the first being that the autotrack details showed a refuse freighter overhanging the footway at one point. The second related

to the proximity of the initial junction within the site to the main access onto Coat Road. In the case of the first concern, there was a potential risk of vehicle pedestrian collision, however the risk was considered to be limited and not a regular occurrence, as such no objection was raised. Following identification of the second concern, the developer and the Highway Authority undertook Road Safety Audits to understand the full implications of the layout. Neither safety audits made note of this as a concern, as such the layout is considered to be safe. It is also advised that a 600mm wide verge should be provided at the back of the footway prior to the top of the ditch or any earthwork slopes, otherwise that part of the ditch should be culverted. This is a matter that can be confirmed at technical stage however.

SDDC Highway Consultant: Refer to SCC advice.

SCC Rights of Way: No objections. It is noted that a public right of way (PROW) abuts the site to the south (restricted byway Y16/31). It is requested that should the roads be adopted, the links between the site and path Y16/31) should be a bridleway link, which would be capable of allowing access for horse riders and cyclists, as well as pedestrians. This would be secured as part of any S38 adoption agreement.

SCC Minerals and Waste Team: No comment.

SCC Education:

This application is similar to the application ref 19/00064/FUL submitted earlier in the year. At that time it was established that there is a space in the primary school which could be remodelled and improved to enable it to become another classroom for the children from this development. Due to this we just require the minimal sum of £50,000 to make the changes to the school.

In addition to this there is a need for early years (pre-school) places. In accordance with our updated pupil yield data and the current cost to build this makes a requirement of:

$120 \times 0.09 = 10.8$ (11 Early years pupils)

$11 \times 17,074 = £187,814$ for expansion of early years providers.

SDDC Housing: Would expect 42 affordable units with 34 as social rented and 8 for other intermediate affordable housing solutions. The following property mix is suggested:

Social Rent: 10 x 1 bed, 20 x 2 bed, 3 x 3 bed, 1 x 4 bed (bespoke disabled unit for a family in need)

Other intermediate affordable; 6 x 2 bed, 2 x 3 bed

SDDC Open Spaces Officer: The proposal generates a requirement of 0.46 hectares of Public Open Space (POS), although the site plans identify a slightly lesser amount of 0.41 hectares of useable POS. Notwithstanding this, there are no objections to the layout. To address the slight shortfall on site, Open Space agree to the provision of an off-site contribution towards enhancements at Hills Lane recreation ground and the provision of a mitigation fund, which SDDC will use to enhance the Sustainable Urban Drainage System (SuDs), so they will become a community asset. These enhancements would include suitable landscaping/planting to provide biodiversity and ecological improvements. £3,204.51 is requested towards the off-site contributions and £18,000 towards improving the attenuation features, although this could be reduced by approximately £7,000 if the developer sows the original mix, with the Council's guidance and specification).

SDDC Community, Health and Leisure: Seeks contributions of £ 244,696 towards local facilities, comprising £95,066 towards the provision of on-site equipped play space (LEAP), unless provided by the applicant, £188,066 towards off-site Youth Facilities to be provided at either Bracey Road or Hills Lane, £46,310 towards off-site playing pitches and £84,653 towards off-site provision of changing rooms. £96,732 is requested in commuted sums, and £3,414 as an administration fee.

NHS England: No comments.

Police Designing Out Crime Officer: No objection in principle, however visitor parking spaces have reappeared by the LEAP. Contact made with architect back in Feb 2019 when it was agreed to remove them. See earlier submission dated 06/02/2019. I would ask again to have these removed as I do not think they are appropriate placed closed to a play area!

Earlier submission dated 06/02/2019: It is suggested that the proposed visitor parking near to the LEAP be reconsidered as this could give anonymity to observe children at play.

Somerset Waste Partnership: No objections. It is noted that bin collection points are included for properties down longer private drives, which addresses any initial concerns.

Natural England: No objections raised previously - The proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. The Local Planning Authority are reminded that they are expected to assess and consider the possible impacts on biodiversity, local character and protected species. The need for environmental net gain is also identified.

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

BATS: The Ecological Appraisal report states that a possible bat roost is present within an oak tree at the north west of the site. A follow up tree roost survey was carried out by Green Ecology on the 28 March 2019, the results confirmed that the tree is not currently suitable for roosting bats and no specific avoidance, mitigation or compensation measures are required. Otherwise, the Ecologist that light-spill could cause avoidance behaviours for bats commuting and foraging through the site, particularly if light-averse bats use the site. A condition is suggested in respect to the proposed lighting scheme.

GREATER CRESTED NEWTS: The Ecological Appraisal recommended that, as a precautionary measure, eDNA surveys should be carried out prior to any works commencing on site to confirm absence/ presence of great crested newts. Green Ecology carried out a further Great Crested Newt Assessment, including a Habitat Suitability Index, a proposed eDNA sampling on the 15th April 2019. Following assessment of the results, it was concluded that the site's water bodies are considered highly unlikely to support great crested newts and therefore no specific avoidance, mitigation or compensation measures for great crested newts are required. A preventative condition is suggested in respect to reptiles and amphibians.

DORMICE: The Ecological Appraisal suggests the removal of any suitable habitat for Dormice, which is limited to a 10m section of hedgerow, under the supervision of a licenced dormouse ecologist carried out under a mitigation strategy, with enhancements proposed. As the section of hedgerow is limited to 10m, with hedgerow present being improved and new areas planted suggested mitigation will be sufficient to mitigate for the worst case scenario. Therefore in accordance with Cheshire East v Rowland Homes case law further surveys will not be required in this case. A condition is suggested in respect to the works proposed that will remove this 10m of hedgerow.

BADGERS: The construction of the road across the ditch will directly impact on badgers by damaging a sett. The ecology report advises that an artificial sett will be undertaken close to the existing sett, with the closure of the existing sett carried out in accordance with a Natural England Licence. A condition is requested in respect to seeking the necessary licence.

BIRDS: The hedgerows and woodland, identified as being of most value to breeding birds, will be mostly retained as part of the development. Where removal of hedgerow or scrub is proposed (northern and central hedgerows), a vegetation removal conditions is requested.

HEDGEROWS AND WOODLAND: The submitted arboricultural information provides details of

protection for existing hedgerows and trees, which is acceptable.

BIODIVERSITY AND PROTECTED SPECIES NET GAIN: The loss and disturbance to the habitats on site will be compensated for by the provision of retained and managed wildlife areas and infrastructure thus ensuring the proposal provides mitigation and compensation habitat and adheres to enhancement requirements outlined within the National Planning Policy Framework 2017 (NPPF). An appropriate condition is requested to secure these enhancements.

SSDC Tree Officer: No objection in principle. The submitted tree and hedge protection measures are acceptable and should be conditioned. There are reservations in respect to the suggested landscaping scheme, with changes suggested.

SSDC Environmental Protection Officer: Comments:

I have reviewed this application and have the following comments to make from an Environmental Health point of view.

1. The developer will operate to the hours and procedures set out in the Construction Environmental Management Plan issued on December 1st 2018 and submitted with the application 19/02646/OUT.
2. The developer shall install the lighting as per the Design For Lighting Ltd report 0906 as prepared on 18th December 2018.

South West Heritage Trust Archaeologist:

I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

Programme of Works in Accordance with a Written Scheme of Investigation (POW). Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

and:

Archaeology and ensuring completion of works. No building shall be occupied until the site archaeological investigation has been completed and post - excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

Previous comments:

No objection in principle, however it is advised that no reference has been made to a geophysical survey and trial trench evaluation carried out in 2013. The trial trench evaluation demonstrated that two significant concentrations of archaeological features were present at the northern and southern ends of the application area. These included a series of enclosure and boundary ditches containing concentrations of pottery. This evidence was indicative of Iron Age and Roman settlement activity. For this reason it is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). Conditions are requested to this effect.

Environment Agency: No objection subject to the imposition of certain conditions and informatives being imposed on any permission issued.

Lead Local Flood Authority (County Drainage): No objections

If there have been no changes to the drainage proposals, and the IDB are still satisfied with the discharge rates, points of connection and easement proposals then please refer to our previous responses attached which recommend condition. We would welcome any opportunity through these new applications, however, for the SuDS proposals to be enhanced to provide multi-functional benefits, including opportunities for water resource management such as rainwater harvesting and water butts if not already proposed. Source control features provide storage and treatment, but tree pits and raingardens also offer additional enhancements to public realm and biodiversity which could meet wider sustainability aims.

Previous comments:

The LLFA are satisfied that the submitted Flood Risk Assessment (FRA) and calculations satisfactorily demonstrate that the overall discharge rate can be maintained in line with existing greenfield rates (8.3l/s). It was also noted that the rate, connections and any easements would need to be agreed with the Somerset Internal Drainage Board. There were some initial concerns raised in respect to the use of attenuation crates in addition to the use of a basin, rather than the site being fully attenuated by basins. This related to concerns over the ease of maintenance of these systems. Further information was requested to address these concerns. The applicant confirmed that following discussions with Wessex Water, the proposed attenuation crates would not be adoptable, however details of similar products were provided, which Wessex Water would be happy to adopt. In response to this and accompanying supporting information, the LLFA are content that the proposed drainage strategy is achievable, while limiting discharge to existing greenfield rates. As such, no objections are raised, although the details of the final scheme should be conditioned.

Somerset Drainage Board Engineer: No objections have been raised in principle, although it is requested that trees shown on the plans are removed from the Board's maintenance strip. A condition is requested to agree the details of management and maintenance arrangements.

REPRESENTATIONS

51 letters of objection have been received from local residents of Martock. The main points raised include:

- 120 houses is too many for Martock. The village infrastructure is not equipped to deal with the increased number of houses. Local facilities/services (shops, chemist, GP surgery, dentist, school, recreation ground, etc.) are already overloaded. This development will exacerbate the situation. The village infrastructure is not equipped to deal with the increased number of houses. There are also insufficient jobs within the village, leading to increased levels of out-commuting.
- The proposal would lead to a significant increase in housing numbers beyond the Local Plan target of approximately 230 (approx 42% over). There have been other applications refused where the Planning Inspector has dismissed the subsequent appeals, considering that the housing levels proposed were such that they would unacceptably conflict with Local Plan Settlement Strategy. These were Laver Oak, which would have seen the Local Plan figure exceeded by 50%, and Ringwell Hill, where the figure would have been exceeded by between 32-40%. The Local Plan target of 230 homes equates to 11 houses per year. The scheme therefore represents 11 years supply of housing. In fact it is understood that the number of houses built or with active permission so far in the current Local Plan period is 206, in which case the proposed extra 120 houses would take the number to 326, equivalent of 42% over the target with 9 years remaining.
- The proposal conflicts with elements of the emerging Martock Neighbourhood Plan, particularly in respect to housing numbers and views towards the tower of Martock Parish Church.
- Concerns in relation to the impact of construction traffic, in respect to both highway safety and

neighbouring amenity.

- Increased traffic flow using Coat Road and the junction with North Street, is of concern, as congestion is currently an issue in Martock. Concerns in respect to the safety of local cyclists, pedestrians, joggers and dog walkers is raised too.
- The proposed parking provision is below the levels required by the Somerset County Council Parking Strategy.
- Consideration should be given to why the previously approved scheme for 95 homes was not carried out, and whether the development of this site is viable.
- The proposed layout is too high density, and the design of the properties is worse than the previously approved scheme.
- The proposal unacceptably encroaches into greenfield land.
- Concerns raised in respect to historic flooding in the locality, and as to where excess surface water will go. Will existing drains and sewage infrastructure will be able to cope? Concerns are also raised about the ability to maintain the proposed SuDS.
- The site is of great benefit to local wildlife and ecology, which will be adversely impacted.

Applicant's Case

This application is a resubmission of the Refused Application. This application provides an opportunity for the Council to make a decision at a local level which could reduce the wasted time and cost associated with an unnecessary appeal. To assist the Council in its decision making processes, we have addressed the Reasons for Refusal for the Refused Application in full.

The principle of the development of the Application Site for housing has been accepted by the Council. Planning Permission was granted for the erection of up to 95 dwellings on the Application Site. However, the permission expired in May 2017 without development having commenced. It is noted that the Council still rely on the Site coming forward for the purposes of demonstrating its housing supply position.

Reason for Refusal 1

The LPA allege that the proposals will contribute to a scale of development at Martock that would be contrary to the intended growth strategy and settlement strategy in the Local Plan.

By reference to the role, function and character of Martock and its location within the District including its proximity to the main town of Yeovil, the applicant considers that it is a suitable settlement at which to accommodate additional housing.

As indicated above, it is accepted that the proposals would lead to more than 230 new homes being provided at Martock. However, in the context of the presumption in favour of sustainable development, policy SS5 is considered to be 'out of' date and the benefits of the proposals in providing urgently needed market and affordable housing must be balanced alongside the level of growth envisaged in the policy.

The level of new housing that would be provided if the application was to be allowed would not be equal to either that intended for Primary or Local Market Towns identified in the Local Plan such that a disproportionate scale of new housing would be accommodated at Martock. There is no risk that the overall settlement hierarchy would be altered or disrupted to any demonstrably harmful extent. Further, there is no risk that development on this scale would prejudice the achievement of the settlement hierarchy as set out in SS5. Therefore, whilst there may be a conflict with policy SS5 purely on a numerical basis, the development would be consistent with the spirit of the Local Plan when read as a whole.

For these reasons, and in the context of Policy SS5 being considered to be an 'out-of-date' policy, the

applicant considers that the number of new homes that will result from the proposals being granted planning permission does not materially prejudice the established settlement hierarchy or the achievement of the over arching aims of the plan. In short, no planning harm will result from the numerical exceedance of the 230 figure stated in policy SS5.

For these reasons, the applicant contends that the scheme does not represent an unsustainable housing proposal.

Reason for Refusal 2

The LPA allege that the scheme would contribute to an unsustainable settlement pattern of development contrary to the principle in the NPPF that new homes and jobs should be colocated. The Councils concern in this respect focusses on the fact that this would increase 'out-commuting'.

Therefore, whilst this reason for refusal appears to be based on sustainability (which has already been addressed in Reason for Refusal 1), the Council's concerns appear to relate mainly to the potential impact of the appeal scheme on the surrounding highway network.

Martock is identified as a Rural Centre because it has a wide range of local facilities. These are described in the Transport Assessment that accompanies this planning application. The facilities include a range of small shops that meet the day-to-day needs of local residents, a library, doctor's surgery and a primary school. Yeovil, the main settlement within the District, serves a wide hinterland and includes a range of higher order services and facilities. Martock is in close proximity to Yeovil and benefits from bus based public transport, again as described in the Transport Assessment.

Notwithstanding the above, the applicant accepts that residents of the proposed development will travel by car to various destinations. This manifests itself in additional trips on the local highway network. However, the Local Highway Authority did not object to the Refused Application in these, or in any other, terms. There is no indication that the Highway Authority has changed its position in this respect.

The Transport Assessment also demonstrates that the proposed development will not have an unacceptable adverse impact on the local highway network. No evidence has been produced that would suggest that the conclusions of the Transport Assessment are flawed.

On this basis, the increase in traffic arising from the scheme is not considered to result in either an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Therefore, "out-commuting" of itself should not be seen as a reason to refuse the application.

In this regard, it is significant that the Council do not allege that the proposed development conflicts with Policy TA5 which specifically concerns the transport impact of new development.

Turning to the matter of employment land within Martock regard must be had to the South Somerset District Council Employment Land Review (June 19). That report considers at section 5.12 Martock and Bower Hinton as a combined settlement but it provides detailed evidence on this point.

Paragraph 5.12.1 states: 'Martock and Bower Hinton is in close proximity to Yeovil (circa 7 miles) and just off the A303. Whilst there are a range of employment opportunities in manufacturing, construction, retail and the service sector, and a healthy sized business park, over 50% of the population out-commute to work, mainly in Yeovil'. It is of note that the Refused Application was refused on the grounds that there is a net out-commuting figure of 60% which is contrary to the Councils own evidence on this matter.

Paragraph 5.12.2 continues: 'The existing Local Plan has an expectation for Martock and Bower Hinton to deliver circa 3 hectares of land for economic development to improve its self-containment level and reduce out-commuting'.

It is suggested within the report that there has been a reduction in employment land during the local plan period to date (2006 - 2018), however this does not represent a true picture of the situation that exists. Paragraph 5.12.4 states: 'Whilst an analysis of completions during the Local Plan Review period (2016-2018) illustrates the low level of delivery of employment land in Martock to date (as at 31st March 2018, there was a loss of land for B use activities and there was no land under construction), future supply looks healthy.'

Indeed, planning permission has been granted for two employment areas - a 1.2hectare extension to Martock Industrial Estate, and the change of use of agricultural buildings for B1/B8 uses at Stoke Road, Martock on 1.6 hectares of land. It is understood that the later of these has commenced and the first units are available for occupation.

It is clear therefore that there is employment development and growth within the district. The proposed development does not result in the loss of any employment land or opportunities and does not prejudice the delivery of further employment opportunities within the settlement.

The dwellings comprised in the proposed development will include "home office" facilities to encourage home working. Further, a Travel Plan will be produced and implemented the objectives of which are to increase awareness of travel choice and ensure the effective use of resources by encouraging the use of alternative, non-car travel modes. This will ensure that the level of out commuting is reduced in so far as possible.

Therefore, in summary:

- a) the settlement is a sustainable for location for new housing development with a wide range of facilities required for day to day living (together with a wide range of employment opportunities) accessible on foot or by bike;
- b) "out-commuting" is, essentially, a highways reason for refusal. The Transport Assessment demonstrates that the development will not have an unacceptable adverse impact on the surrounding highway network
- c) the development does not erode the supply of employment land and does not prejudice the delivery of additional employment development within the settlement
- d) two large areas of employment development have recently been granted planning permission and are being built out; and
- e) the development has been designed with measures to reduce the need to outcommute in so far as possible (e.g. the provision of home office facilities and the implementation of a Travel Plan)

It is, therefore, clear that the second Reason for Refusal raised in respect of the Refused Application is based solely on assertions which are unsupported by any objective or evidence.

Reason for Refusal 3

The Council alleged that only 75% of the homes are aligned to maximise solar gain. This calculation is incorrect. The applicant considers that circa 80% of the homes are aligned to maximise solar gain. This is considered to be far in excess of the majority of developments approved within South Somerset.

The Council goes on to allege that, as a result of its conclusion that "only 75%" of the homes are aligned to maximise solar gain, the layout is contrary to sustainable construction aims and objectives in the Local Plan. The policy and its supporting text does not provide any prescriptive approach to solar gain and infact solar gain is one facet of design and sustainability and it would be counterproductive to design a proposal to achieve higher than 75%..

Policy EQ1 does not specify a percentage requirement for the minimum number of new homes on a

development which are required to be aligned to achieve maximum solar gain. The policy also considers a number of other facets that need to be considered in establishing whether a development will achieve the sustainable construction aims of the Local Plan.

Policy EQ1 comprises the following criteria:

- a) Minimising Carbon Dioxide emissions through energy efficiency measures, renewable and low carbon strategy
- b) Achieving Code for Sustainable Homes - no longer in existence and therefore not applicable
- c) Development of renewable and low carbon energy generation - not applicable to this scheme
- d) Wind Turbines - not applicable to this scheme
- e) Development to be directed away from medium and high risk flood areas - this relates to this scheme and the development is not within a medium or high risk flood area.
- f) Development should include Sustainable Drainage Systems - this has been incorporated within the scheme
- g) Climate Change should be considered in the design of new development, incorporating measures such as solar orientation, maximizing natural shade and cooling, water efficiency and flood resilience
- h) Susceptibility to climate change should be taken into account on all proposals to develop sites with biodiversity interest - this has been incorporated within the scheme.

It is of note therefore that policy EQ1 covers a range of sustainable measures. The policy covers eight matters. Solar orientation is just one of the five measures mentioned in point (g). Therefore, it is not the case that if a minimum percentage of dwellings are not aligned for solar gain, planning permission should be refused. Rather, policy EQ1 required a holistic approach to be taken when assessing whether a development meets the sustainable construction aims of the local plan.

In this regard reference is drawn to the submitted document entitled 'Sustainability Statement' produced by Environmental Economics which considers in detail the sustainable construction measures of the scheme along with the requirements of Building Regulations.

That report highlights that the scheme has been designed to consider and have regard to sustainability by means of the following categories:

- Reduction in regulated Carbon emissions by improvement to the build / fabric specifications (point A of policy EQ1 as shown above. Paragraph 4.5.4 of the report confirms that through the measures used within this development there will be a reduction of 5.8% against Build Regs);
- Water Consumption (point G of policy EQ1 as shown above);
- Solar Orientation / Overheating Risk (point G of policy EQ1 as shown above);
- Electric Vehicle Charging (point A of policy EQ1 as shown above);
- Green Guide Ratings of Construction Elements (whilst not covered in the policy this concludes that the development will achieve an 'A+' rating for its construction will create the lowest possible environmental impact);
- Smart Metering (whilst not covered specifically within the policy this will assist in educating future home owners so as to reduce their energy consumption);
- Internal Recycling Storage (whilst not covered specifically within the policy this will assist in the management of waste and recycling to create a lasting benefit for residents); and
- Low risk of overheating and therefore less requirement for the future fitment of air conditioning equipment (point G of policy EQ1 with particular regard to the point re solar orientation).

For these reasons, it is considered that the development proposals are entirely in accordance with policy EQ1.

Reason for Refusal 4

The Council alleged that too few car parking spaces have been provided and that the level of car parking should accord precisely with the Somerset Parking Standards. This stance was not supported by the Highway Authority who had no objection to this matter on the Refused Application.

It is of note that the standards are not prescriptive quantum that require strict adherence. Departures are permissible having regard to locational specific considerations. This is evidenced within the Transport Assessment that accompanies this planning application.

The Parking Strategy (March 2012) produced by Somerset County Council requires that the development should provide 307 spaces which include 24 visitors parking spaces. This gives a ratio of 2.6 spaces per dwelling on average appears which is not only unnecessary as it is significantly above the levels of car ownership anticipated to be associated with the residents of the development, it is also inconsistent with achieving the Council's aims of achieving a sustainable form of development. The accommodation of the private motor car should not be put above the delivery of high quality developments with a strong sense of place.

The Transport Assessment sets out at paragraphs 2.4.1 through to 2.4.4 that when regard is had to bespoke car ownership data based on the 2011 census obtained from the Office of National Statistics (a method endorsed by the NPPF) it is clear that the development will generate car ownership from residents of between 176 and 186 vehicles. This means that the latest and more up to date methodology for calculating parking requirements compared to the SCC none prescriptive quantum is just 60.5% of the standards set out in the 2012 County Council Parking Strategy.

Furthermore, the application proposes 268 spaces comprised of 232 allocated spaces, 13 visitor spaces and 23 allocated garages. As such the proposals have a parking provision that is 144% above that required utilizing data on car ownership from the Office of National Statistics. As such it is clear that the application proposals comply with policy TA6.

CONCLUSIONS

It is clear from the foregoing that whilst a previous application was refused planning permission by South Somerset District Council the Reasons for Refusal were unfounded. The reasons were based on assertions that were unsupported by any evidence or objective fact based analysis. In many cases, as explained above, the reasons for refusal are inconsistent with each other and/or factually wrong.

This report has sought to demonstrate that notwithstanding the previous refusal the scheme has been designed to adhere to the applicable policies and should therefore be supported by officers as the development will deliver:

- 120 new dwellings (both market and affordable);
- Open space for the benefit of existing and future residents;
- Associated infrastructure to service the above; and
- Contributions to education, open space and to ensure the affordable provision is met.

We therefore request that the application be approved in accordance with the applicable planning policy framework at the time of determination which has been set out in the foregoing.

Previous applicant's case:

"The application site was previously granted Outline planning permission in 2014 by the Area North committee. The site is also identified in the Local Plan Review Report (February 2019) as a preferred

option for residential development.

The consultation process has demonstrated that there are no technical reasons as to why this application should not be supported. Issues such as traffic, drainage and ecology have all been fully addressed as part of the submission.

The proposal will also deliver significant economic and social benefits including 35% (42 homes) affordable housing and financial contributions through the Community Infrastructure Levy and Section 106 agreement.

South Somerset does not currently benefit from the required 5 year supply of housing and therefore policies that seek to guide the location of housing developments are considered to be out of date. This site has previously been granted permission for residential development and has been identified by the Council as being a suitable location for new homes. Supporting new development in this location would contribute towards the Council's supply and would assist in resisting proposals in locations that are not considered to be appropriate."

CONSIDERATIONS

Principle of Development

This application for planning permission seeks approval for a 120 house residential development. The principle of residential development has previously been established on this site, following the earlier grant of outline planning permission 13/02474/OUT, and subsequent approval of reserved matters application 15/01021/REM. These schemes approved the erection of 95 homes, although these permissions have since time expired. Notwithstanding this, the principle of development remains. The South Somerset Local Plan identifies Martock as a Rural Centre and as such has been identified as a sustainable location for growth, particularly where this meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement.

A strategic housing target of 230 dwellings has been proposed over the plan period (2006-2028), of which according to the latest collated figures, 122 were complete (as of March 2018) and a total of 93 committed (as of January 2019), giving a total of 215 homes, subject to updated figures. The number of commitments was previously higher as this included the now expired permission for 95 units. Should the proposed development be approved, the housing numbers would be in the region of 335, exceeding the housing target by 115 units (approximately 46%).

The Parish Council, and many contributors, have objected to the proposal for several reasons, including that there is an over-provision of housing proposed for Martock. With the local plan strategic housing target of 230 dwellings close to being met without taking into account this proposal, and recent appeal decisions (Ringwell Hill and Lavers Oak) telling against large scale increases in the level of housing in Martock so early in the Local Plan period, this is a matter for serious consideration. In these aforementioned appeals, the schemes proposed 49 dwellings and 91 dwellings respectively, equating to a 32% and a 50% increase in housing provision over the strategic housing target. In both cases it was considered that this level of development would comprise an overprovision of housing well beyond the broad levels envisaged for this settlement, thereby constituting a substantial failure to accord with the settlement strategy set out in Local Plan policies SS1, SS4 and SS5. It is notable however that in both cases, other reasons for refusal were also given substantial weight in the final planning balance. In the case of Ringwell Hill, the Inspector adjudged the site to be unsustainably located due to its distance from Martock's key services, while there were significant landscape and local character objections that weighed against the Lavers Oak Scheme.

It is noted that the Local Planning Authority are still currently unable to demonstrate a five year supply

of housing sites, a position that has worsened since the Ringwell Hill and Lavers Oak scheme were considered. In the context of the National Planning Policy Framework; Local Plan policies SS1, SS4 and SS5 are still considered out of date as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Clearly, the housing numbers proposed are significant and do lead to a substantial increase over the housing strategy figure. Notwithstanding this however, it remains the case that the housing figure of 230 dwellings is a minimum, not a maximum, and under Policy SS5, a permissive approach will be taken for housing proposals, in advance of a Site Allocations Development Plan Document. The ongoing inability of the LPA to demonstrate adequate provision of housing land, and its worsening position, does need to be given appropriate weight. It is also noted that despite the increase, the resulting housing numbers would still be under the target stated for the smaller Market Towns within the next tier of the settlement strategy. The settlements of Somerton, Langport/Huish Episcopi, and Castle Cary/Ansford, which are designated as Local Market Towns, all have an identified housing target of 374 homes each. The total of completed and committed housing for Martock would remain below this figure. Furthermore, a recent appeal in Henstridge (Land West of Stalbridge) was allowed, approving up to 130 dwellings in a Rural Settlement. This was not viewed as conflicting with the overall distribution strategy, despite the fact that an increase of this scale would exceed the figures identified in the smallest of the Rural Centres (Stoke Sub Hamdon), where a housing target of 51 houses is allocated.

On the basis of the above, serious consideration has to be given to whether the increase over and above the strategic housing target should be considered so harmful to be unacceptable or considered to comprise unsustainable development, particularly noting the District-wide shortage in market and affordable housing. Despite there being an adverse impact identified, it is not considered to be so unacceptable as to warrant being a sole refusal reason, noting the benefits associated with the development. As such, it is considered that the development of this site for residential purposes, of the scale identified, could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any relevant policies within the NPPF that provides a clear reason for refusing the development proposed, or any adverse impacts that would significantly and demonstrably outweigh the benefits of the development.

Character and Appearance

Notwithstanding the objections to the number of houses proposed, concerns also have been raised by local residents and the parish council regarding the impact of the proposal on the character of the area, the setting of the nearby heritage assets, specifically views towards the tower of Martock Parish Church, and the wider landscape character. Overall, the principle of developing this site has been considered previously, with permission granted. The site is considered to be one of the few sites beyond the developed edge of Martock that can comfortably accommodate a larger development scheme without having major adverse impacts on local character. In considering the previous approvals, it was noted that the application site was evaluated as having capacity for development in the peripheral landscape study of Martock carried out in 2008, and as a result concluded that there were no landscape issue with the principle of developing the site for housing. The site is visually well contained by existing hedgerows and any development would not be unduly prominent on the wider landscape. In specifically considering the proposed layout and scale of development, it is considered that the proposed scheme is acceptable with residential development laid out either side of a central access road. Despite there being an increase in 25 houses from the previously approved scheme, the development offers a housing mix that is considered more appropriate to meet local housing need, particularly noting local demand for smaller houses. This latest proposal omits any 5 bedroom houses, and significantly reduces the proportion of 4 bedroom homes, in favour of an increase in the number of 2 and 3 bedroom units. As a result, it is felt that the layout and associated mix of housing offers improvements over the previous schemes, despite

the greater numbers proposed.

The proposed houses are of a relatively standard design and appearance, however careful consideration has been given to the type, which contain some of the key characteristics found within properties in the local area. The material mix, comprising some reconstructed stone, and red, yellow and buff brick also correspond to materials prevalent within the area, and similar to those approved in more recent schemes within Martock. Overall, it is considered that the design of the dwellings, provides for an appropriate development that is of a scale, proportion and design that adequately respects and relates to established local character.

The proposed layout of the site follows the main principles of the previously approved schemes, with a central spine road from the proposed access to the north to the south of the site. The built development is mainly concentrated on the north and south of the two fields, which are separated by an existing ditch. It is proposed to provide a central area of open space, which will contain the formal play area, informal open space and also two new surface water attenuation ponds. Further public open space will be provided to the north and south extremities of the site. As a result, the proposed scheme is considered to provide a quality residential development with a good mix of public open space, which offers opportunities to create a green buffer with Coat Road and also to provide a green focal point at the centre of the site.

The proposed layout allows for an overall level of parking to the satisfaction of the County Council Highway Authority. The relationship between the dwellings along the east boundary of the southern part of the site and those in the adjoining Hills Orchard development has also been considered and the relationship is deemed to be acceptable. The Police Designing Out Crime Officer is generally satisfied with the scheme, although they have recommended the removal of parking spaces adjoining the LEAP to avoid the risk of anonymous persons being able to view children playing. At this point, no amendments have been made to the parking layout, however this could be done by adding a condition requiring a final parking layout to be agreed.

The proposal is supported by a comprehensive hard and soft landscaping scheme. The hard landscaping includes the use of brick walls and railings for boundaries onto the public domain, along with open grass frontages, which will soften the overall appearance of the site and maintain a high quality finish in the long-term.

The proposed landscaping scheme retains the existing mature boundary hedging, and also proposed to fill in gaps, such as those on the boundary between the existing and proposed dwellings in the southern part of the site. The Council's Tree Officer has commented on the new planting scheme throughout the site, and suggested some changes, although this can be addressed by condition. Otherwise, suitable tree and hedge protection measures are included to the satisfaction of the Tree Officer.

Flooding and Drainage

There is a history of surface water flooding within Martock, both within and around the site, and further afield. Concerns have again been raised in respect to surface water runoff, the effectiveness of the proposed drainage strategy, and future management and maintenance arrangements and responsibilities. As a starting point, the proposed strategy includes the provision of two new attenuation ponds within the site but also includes underground attenuation measures too. The Lead Local Flood Authority (LLFA), who are now the Statutory Consultee on these matters, are satisfied that the strategy would restrict surface water runoff into the adjoining ditch to greenfield rates of 8.3l/s. There were some questions marks over the use of underground attenuation crates, and the ability to effectively maintain them, however the applicant has previously provided information to the LLFA, following discussions with Wessex Water, in which details of alternative underground attenuation products have been provided, which Wessex Water would be able to adopt. As such, the LLFA are satisfied in principle, however have

noted that there is a further need to agree rates of discharge, etc. with the Parrett Internal Drainage Board. The Drainage Board have also provided comments, also raising no objections in principle. A condition was requested in relation to maintenance and management arrangements, details of which will be requested alongside the final drainage scheme.

Overall, the drainage strategy gives sufficient reassurance that the site can be effectively drained, with conditions proposed for the agreement of the final detailed drainage scheme, along with details of future ownership and maintenance. In this respect, it is anticipated that Wessex Water would 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.

Highways

As with the previous schemes, a large number of concerns have been raised by neighbouring occupiers, and the Parish Council, regarding the potential impact of the proposed development on the surrounding highway network. In particular concern has been raised about the volume of traffic the scheme will generate and the various impacts this extra traffic will have. The County Highway Authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal and have raised no objection in respect to impact on the local highway network. In considering the layout, there are some minor matters that may require amendment, however it is advised that these may be dealt with at technical approval stage. A few minor safety concerns were also identified, however following the undertaking of Road Safety Audits by both the applicant and Highway Authority, these were not considered to raise significant concerns to warrant refusal of the scheme.

It is noted that there are some concerns raised by local residents in respect to the levels of parking, as these are short of the County Council Parking Strategy optimum standards, however the Highway Authority have not raised this as a matter of concern. Each property is served by 2 or 3 parking spaces, which is considered to be acceptable, particularly noting the relatively close proximity, and accessibility of the local services.

Subject to the imposition of suggested conditions, and consideration of the final detailed design post-approval, the Highway Authority are satisfied with the proposed development.

There is also a public right of way, running to the south of the site, with a link proposed from the development site. The County Rights of Way Officer has raised no objections but advised that the link should be made a bridleway, which would allow its use by horse riders and cyclists. These matters would be dealt with alongside any Section 38 adoption agreement with the County Highway Authority.

Residential Amenity

Consideration has been given to the impact on adjoining residents, particularly those occupying properties along Coat Road, and on the western edge of Hills Orchard, however the proposal is appropriately laid out to avoid unacceptable harm through any direct overlooking or other impact. As such, it is considered that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers.

Ecology

Some concerns have been submitted by neighbouring occupiers and supported by the comments of the parish council in relation to the impact of the proposal on local ecology. Notwithstanding this however, other than the removal of a section of 10m of hedgerow, the existing structural landscaping, comprising large hedgerows and trees around the site will remain, preserving much of the existing habitat. In support of the application, a comprehensive assessment has been made of the ecological constraints, with the

findings of the submitted ecological reports, and their recommendations supported. There will be some damage to an existing badger sett, however any works to relocate badgers to a new sett will need to be carried out fully in accordance with Natural England regulations and guidance. Similarly other protective measures, mitigation and biodiversity enhancements will be carried out in accordance with submitted details. On this basis, neither the Council's Ecological Consultant, nor Natural England raise any objections.

Natural England have also given consideration to the impact on the Somerset Levels and Moors Special Protection Area, with the conclusion being that the proposed development will not have likely significant effects, and therefore they have no objection to the proposed development. To meet the requirements of the Habitats Regulations, it is however advised that the decision on whether a likely significant effect can be ruled out is recorded. The following justification is suggested:

"The Ecological Impact Assessment (EclA) considers the Somerset Levels & Moors designated site and concludes that impacts are not likely to occur; the rationale for this is set out in paragraph 4.1:- The Somerset Levels and Moors SPA/Ramras is designated for birds and therefore sensitive to disturbance such as dog walkers or other recreational activities. The Site is well linked to a network of footpaths in the surrounding area and it is therefore considered unlikely that residents would travel specifically to areas of the SPA for recreation. No significant impacts are therefore predicted. Given the distance between the Site and the SPA/Ramras no impacts during construction are predicted."

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

Archaeology

The South West Heritage Trust were consulted as to the impacts of the development on any archaeology in the area. No objections were raised to the proposal, however it was noted that a geophysical survey and trial trench evaluation had been carried out in 2013, of which no reference had been made in this application. It was advised that the trial trench evaluation demonstrated that two significant concentrations of archaeological features were present at the northern and southern ends of the application area. These included a series of enclosure and boundary ditches containing concentrations of pottery. This evidence was indicative of Iron Age and Roman settlement activity. This is not considered to be a constraint to development, however it is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made. Conditions are requested to this effect.

Climate Change

The applicant has provided a commitment that it will reduce carbon emissions by 15% of the proposed development through the use of improvements to the fabric of the building and the inclusion of photo voltaic panels.

The adopted Local Plan does not set out quantifiable parameters for carbon emission reduction, however sets out aspirational requirements to ensure carbon emissions are minimised.

The applicant states that: "The maximum carbon emissions for this site to achieve the minimum level of compliance is 171,481.7 kg CO₂. By utilizing both fabric and PV the carbon emissions for the site have been reduced to 145,802 kg CO₂, which is equivalent to a 15% reduction over regulations. A total of 35.64 kwp of PV with a South orientation has been used to achieve the 15%."

This will be secured by inclusion within the s106 agreement.

Planning Obligations

SSDC Community, Health and Leisure, and County Education

The SSDC Community, Health and Leisure department have sought contributions towards local outdoor playing space, sport and recreation facilities of £344,842 (£2,874 per dwelling). This includes contributions towards the provision of on-site equipped play, off site youth facilities, playing fields and changing rooms, as well as commuted sums for ongoing maintenance of the facilities. This can be reduced however, as the applicant intends to provide and maintain the LEAP (on-site equipped play). The reduced amount would equate to £193,365 (£1611 per dwelling).

Open Space

£3,204.51 is requested to make an off-site contribution to address a slight shortfall in on-site public open space. This would go towards enhancements at Hills Lane recreation ground. The provision of a mitigation fund is also requested, to enhance the Sustainable Urban Drainage System (SuDs). A contribution of £18,000 is sought in this respect, although this could be reduced by approximately £7,000 if the developer carries out some of the work, with the Council's guidance and specification)

Education

County Education have stated that this application is similar to the application ref 19/00064/FUL submitted earlier in the year. At that time it was established that there is a space in the primary school which could be remodelled and improved to enable it to become another classroom for the children from this development. Due to this we just require the minimal sum of £50,000 to make the changes to the school.

In addition to this there is a need for early years (pre-school) places. In accordance with our updated pupil yield data and the current cost to build this makes a requirement of:

120 x 0.09=10.8 (11 Early years pupils)

11 x 17,074= £187,814 for expansion of early years providers.

Affordable Housing

SSDC Strategic Housing have requested, on the basis of their policy requirement of 35% affordable housing, split 80:20 social rent: intermediate, the provision of 42 affordable units, of which 34 should be for social rent, and 8 for other intermediate affordable housing solutions. The following property mix is proposed:

Social Rent;

8 x 1 bed

16 x 2 bed

4 x 3 bed

Other intermediate affordable;

10 x 2 bed

4 x 3 bed

In submitting the application, the applicant proposed a mix of 8 x 1 bed, 26 x 2 bed and 8 x 3 bed, the proposed split being 67% social rent to 33% intermediate products. It is noted however that this differs from the current request of 80:20 social rent: intermediate, which it is stated is evidenced by the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016). The applicant has stated: "The desired mix of affordable housing will be negotiated with the District Council's housing officer to ensure it responds appropriately to local needs. The affordable housing provision, including mix and tenure will be secured by a Section 106 legal agreement between

the applicant and South Somerset District Council", however the property mix remains as submitted, which does differ from the mix proposed by the Strategic Housing Officer. Despite this, in terms of the numbers proposed, the proposal does provide a suitable level of affordable housing, and while the sizes differ from that requested, it is questionable whether this would warrant a recommendation of refusal, particularly noting the 5 year land supply issues.

Climate Change

Secure a 15% reduction in carbon emissions over regulation.

Community Infrastructure Levy (CIL)

The proposed development will also be liable for Community Infrastructure Levy (CIL) payments, which cover some of the strategic facilities requested earlier.

Planning Balance and Conclusion

The principle of developing this site has previously been established, and there have been no significant changes in Local or National planning policy to alter this view. The scheme has been assessed and is considered to be generally acceptable, with most of the key considerations satisfied. The main issue outstanding relates to the increase in numbers proposed on site, in respect to the impact that this will have on the settlement strategy. Weight has been given to the previously dismissed appeals in Martock (Ringwell Hill and Lavers Oak), however significant weight also has been apportioned to the Council's worsening 5 year housing land position, and the most recent appeal at Henstridge. In assessing this against the NPPF requirement that where the most important policies for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, it is considered that the harm identified by exceeding the housing target for Martock to the degree proposed is not such to outweigh the benefits. It is also noted that the applicant seeks to demonstrate their commitment to delivering the housing benefits promptly by requesting that any permission be restricted to commencement within one year. Should permission be granted, this condition will be imposed.

In all other aspects, the development is considered to be acceptable and thereby comprises an appropriately designed scheme that will form an acceptable addition to Martock, without adversely impacting on local flood risk, ecology, archaeology, surrounding landscape character, residential amenity and highway safety.

RECOMMENDATION

The application **be approved** subject to:-

- i. The prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:
 - a) Secure a contribution of £193,365 towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority);
 - b) Ensure the provision, including future ownership and management of an outdoor equipped play area, to accord with SSDC LEAP specifications, (to the satisfaction of the Local Planning Authority);
 - c) Secure a contribution of £3,204.51 towards the provision of off-site public open space

enhancements and £18,000 (or reduced amount, if the developer carries out some of the work, with the Council's guidance and specification) towards a mitigation fund to enhance the Sustainable Urban Drainage System (SuDs) (to the satisfaction of the Local Planning Authority);

- d) Secure a contribution of £187,814 towards early year's places to the satisfaction of Somerset County Council. A contribution towards primary places of £50,000 will also be required;
- e) Ensure at least 35% of the dwellings are affordable with an appropriate tenure split (to the satisfaction of the Local Planning Authority); and

ii. conditions, as set out below:

01. Notwithstanding the local concerns, the development 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 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 begun before the expiration of one year from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990, and to demonstrate the applicant's commitment to delivering the proposed housing in a timely manner.

02. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the approved plans listed:

- Affordable Housing Statement (Origin 3)
- Arboricultural Impact Assessment and Method Statement (Green Ecology)
- CEMP (Barratt Homes)
- Design and Access Statement (Roberts Limbrick)
- Ecological Impact Assessment (Green Ecology)
- Flood Risk Assessment and Drainage Strategy (Calibro)
- Landscape Risk Assessment and Soft Landscape Proposals (Golby and Luck)
- Outdoor Lighting Report and Drawings (Designs for Lighting)
- Planning Statement (Origin 3)
- Site Waste Management Plan (Barratt Homes)
- Statement in Support of Planning Application (BDW Developments)
- Statement of Community Involvement (Foundation Communications)
- Sustainability Statement (Environmental Economics)
- Transport Assessment and Travel Plan (Calibro)
- Drawings:
 - PL01 Site Location Plan
 - PL02 Existing Site Plan
 - PL03 B Proposed Site Plan
 - PL04 B Proposed Boundaries Plan

- PL05 B Proposed Materials Plan
- PL06B Affordable Housing Plan
- PL07B Proposed Heights Plan
- PL08B Proposed Waste Management Plan
- PL09B Proposed Car Parking Plan
- PL13 Land Ownership Plan
- PL14 Proposed Site Sections
- PL15 Street Elevation
- PL20A Kenley Housetype
- PL21A Palmerston Housetype
- PL22A Maidstone T1 Housetype
- PL23A Maidstone T2 Housetype
- PL24A Moresby Housetype
- PL25A Chester Housetype
- PL26A Alderney Housetype
- PL27A Radleigh Housetype
- PL28A Typoe 58-59 Housetype
- PL29A Type 50 Housetype
- PL30A Type 51 Housetype
- PL31A Type 52 Housetype
- PL32 Kenley Housetype
- PL33 Palmerston Housetype
- PL34 Maidstone T1 Housetype
- PL35 Moresby Housetype
- PL36 Chester Housetype
- PL37 Alderney Housetype
- PL38 Radleigh Housetype
- PL39 Type 50 Housetype
- PL50 Garages
- PL51 Substation
- PL52 Bin and Cycle Store

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

03. 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) 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;
 - c) 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).
 - d) Details of the material finish and construction of the private residential parking spaces. Unless otherwise agreed in writing by the Local Planning Authority, the parking spaces shall be constructed of porous materials;
 - e) Details of the final treatment of Cobdens Rhyne, including materials and finish of the proposed bridge and culvert headwalls;
 - f) Details of the materials for the construction of the proposed bin/cycle stores and bin collection points;
 - g) Details of the design and material finish of the proposed sub-station.

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 policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

04. Within two months of the commencement of the permission hereby approved, details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation, management and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. The submitted details shall also include a management and maintenance plan, which shall include, details of land ownership, maintenance responsibilities, a description of the system, the identification of individual assets, services and access requirements, and details of routine and periodic maintenance activities. The scheme shall subsequently be implemented in accordance with the approved details before any of the dwellings hereby permitted are first occupied. Following its installation such approved scheme shall be permanently retained, managed and maintained thereafter, in accordance with the details agreed.

Reason: In the interests of highway safety and to ensure that the development is served by a satisfactory system of drainage, in accordance with policies TA5, EQ1, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

05. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
- b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: In the interests of a UK protected species and its resting places, and in accordance with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

06. All external lighting shall be installed strictly in accordance with the specifications and locations set out in the design (Designs For Lighting LTD, Document Ref. 0906-DLF-LC-001-A, Dec 2018) as submitted and shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

07. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the 10m hedgerow section to be removed and any trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

08. Prior to clearance (same day) the 10m section of hedgerow to be cleared will first be inspected by a suitably qualified ecologist for presence of any nests or any other evidence of dormice. If hedgerow removal is undertaken between May and October, then following the hedge being found clear of any evidence of dormice it will be removed by hand and by mechanical excavator under the supervision of a suitably qualified ecologist. If hedgerow removal is to begin outside of these months, then it must be undertaken in two stages. Firstly any trees and shrubs within the section of hedgerow to be cleared will be cut down to 1m high above ground level, leaving trunks and root systems intact, between November and March inclusive, to avoid the period when dormice might be found in nests above ground and when the foliage on the vegetation is minimal. The clearance will be undertaken sensitively by hand using hedge cutters and saws. All cut material will be removed from the site. The second phase of the hedge removal will involve the removal of the root bases of the cleared trees and shrubs. This will be undertaken between May and October, when the animals are active and able to respond immediately. Clearance of the hedge will be undertaken by hand and by mechanical excavator under the supervision of a licensed ecologist. If any evidence of dormice is found all work will immediately cease and Natural England contacted. A letter confirming the successful undertaking of the hedgerow section will be sent to the LPA.

Reason: In the interests of a UK and European protected species. To ensure the development contributes to the Government's target of no net biodiversity loss and to provide gain where possible as set out in the National Planning Policy Framework; policy EQ4 of the South Somerset Local Plan (2006-2028); and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

09. Any works in the existing attenuation basin should be undertaken with care to avoid unnecessary harm to amphibians and reptiles encountered. Any animals found should be carefully moved to a nearby place of safety. In the unlikely event that a great crested newt is encountered, works must stop and Natural England consulted. If habitat management to the attenuation basin is required, e.g. strimming, this should be undertaken in winter, or at other times of year to a height of at least 50mm.

Reason: Reptiles and amphibians species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

10. The scheme hereby approved shall be carried out in accordance with the details and recommendations identified with the submitted Landscape Management Plan (Golby and Luck - Ref. GL1040, dated 20th December 2018) and the submitted Ecological Impact Assessment (Green Ecology - Ref. 0748-EcIA-FM, dated December 2018).

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; policy EQ4 of the South Somerset Local Plan (2006-2028); and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

11. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree and hedgerow protection measures prepared by Green Ecology (Ref: 0748-AMS -AE & 0748/TPP pp1-3) shall be installed in their entirety and made ready for

inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at planning@southsomerset.gov.uk or call 01935 462670). The approved tree and hedgerow protection measures shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

12. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. 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 following completion of the development hereby permitted or after the development hereby permitted is first brought into use, whichever is sooner; 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 the National Planning Policy Framework.

13. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of phasing of the investigations, the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

Reason: In the interests of safeguarding any archaeological remains on the site and in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

14. No building shall be occupied within a phase as set out within the WSI until the site archaeological investigation for that phase has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the Program of Works condition and provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: In the interests of safeguarding any archaeological remains on the site and in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

15. The scheme hereby approved shall be carried out in accordance with the details contained within the submitted Construction Environmental Management Plan (BDW Exeter, dated December 2018), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity and highway safety, in accordance with policies TA5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

16. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, 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 the National Planning Policy Framework.

17. 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 the National Planning Policy Framework.

18. The area allocated for parking and turning on the submitted plans unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be kept clear of obstruction used only for parking and turning of vehicles in connection with the development hereby permitted. The approved parking spaces shall be provided before each dwelling to which they relate are first occupied.

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 the National Planning Policy Framework.

19. At the proposed access onto Coat Road, there shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 48m to the west and 54m to the east of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained 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 the National Planning Policy Framework.

20. Within six months of the commencement of the permission hereby approved, a scheme shall be provided to enable a footpath/cycle link to be created, linking the application site to the Public Right of Way to the south (PROW Y 16/31 Hills Lane). The scheme should include the provision of a level and properly consolidated (hard surfaced) path, at least 3m in width, taken up to the existing hard surfaced (tarmacked) parts of Hills Orchard and Beech Road, unless an alternative scheme is agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall be agreed prior to the occupation of the 60th dwelling of the development hereby permitted and the works shall be fully carried out prior to the occupation of the 100th dwelling.

Reason: In the interests of providing safe and accessible routes to local services and to promote healthy and safe communities, in accordance with policies SD1, TA1 and EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
03. During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any trenches will need a means of escape, for example a plank or sloped end, to allow any animals to escape.
04. 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 Internal 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.
05. Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.
06. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.
07. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>.

Agenda Item 14

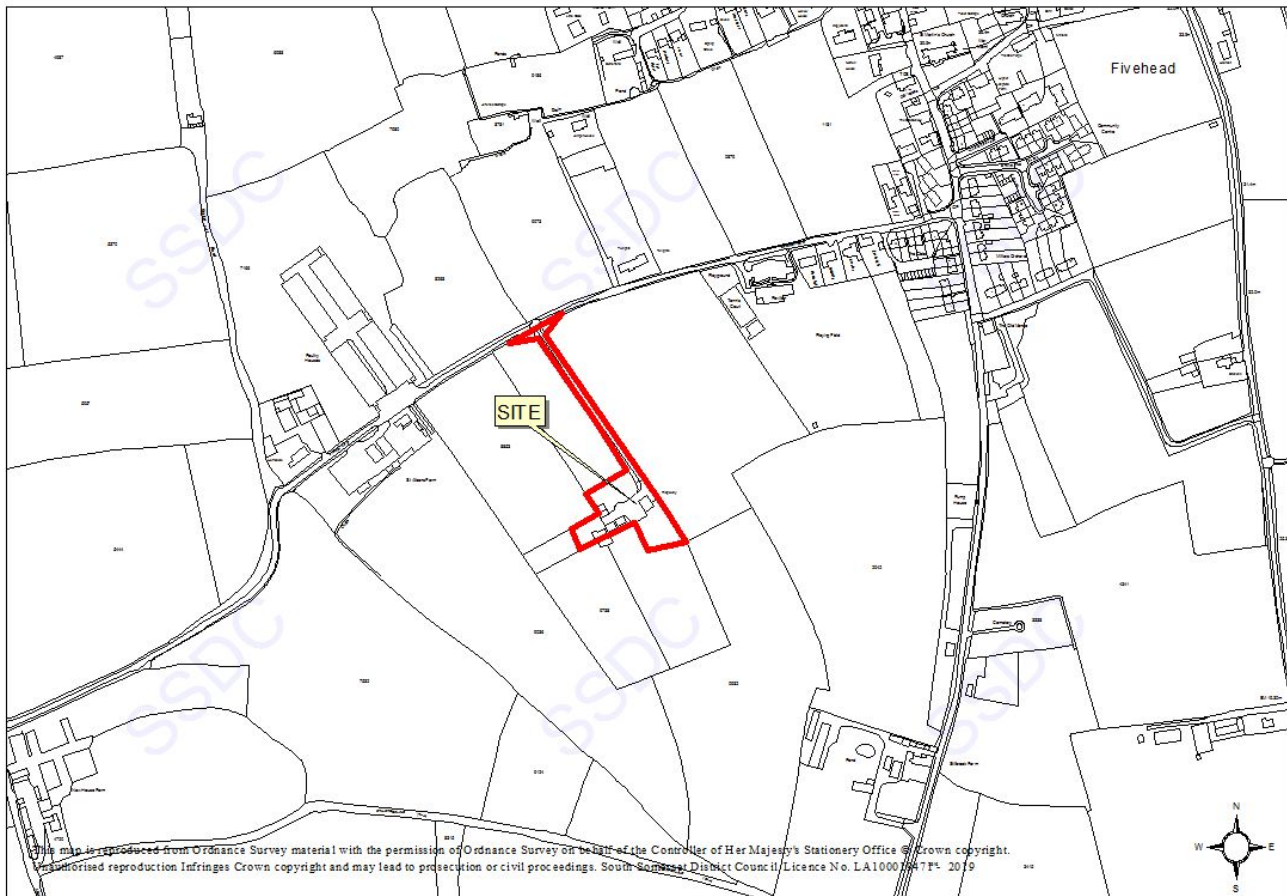
Officer Report On Planning Application: 19/02246/FUL

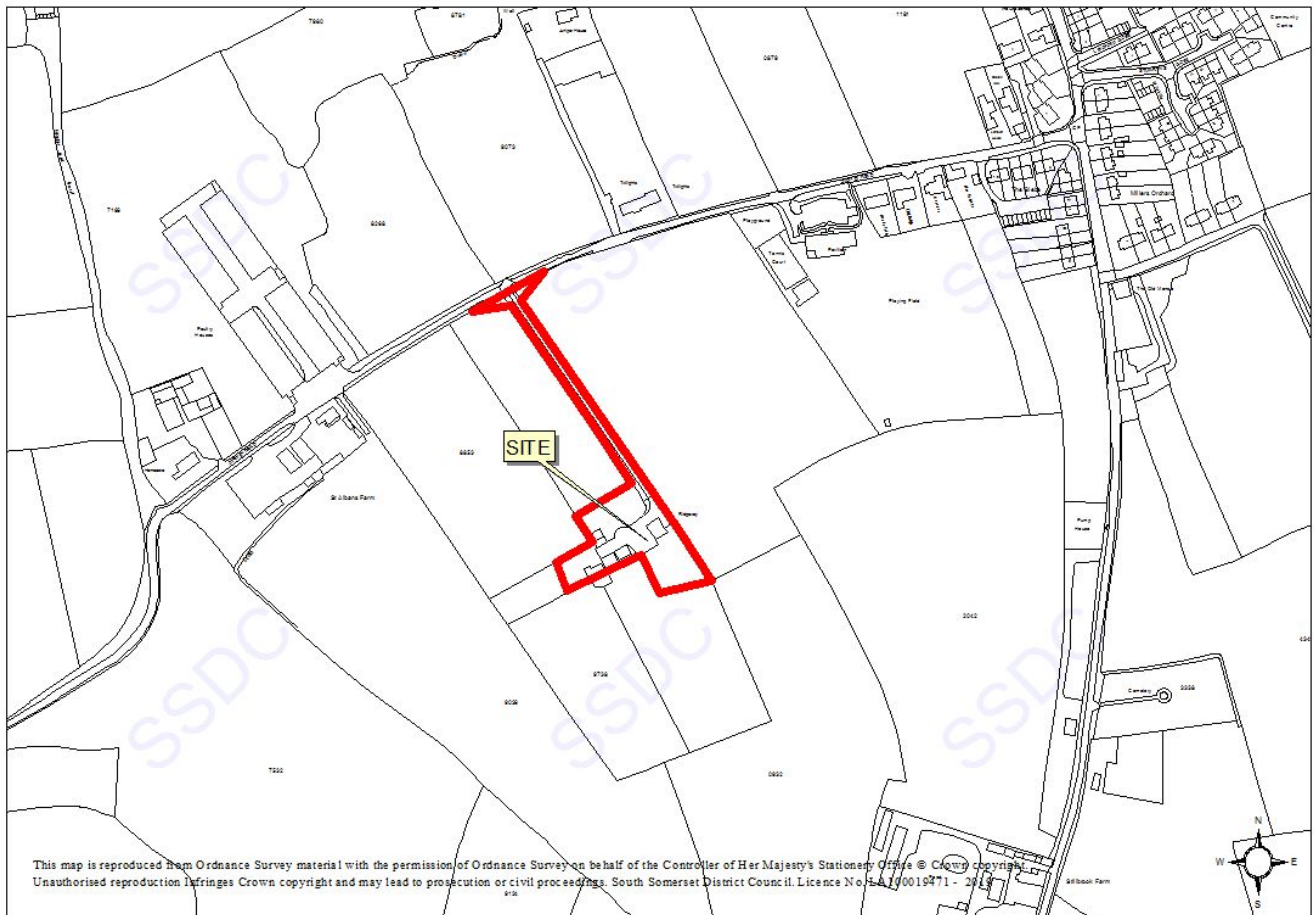
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|---------------------------------------|--|
| Proposal : | The change of use of premises from Use Class C3 (residential dwelling) to Use Class D1 (independent day school for 26 young people) including the erection of 3 new classroom units. |
| Site Address: | Ridgeway, Stowey Road, Fivehead. |
| Parish: | Fivehead |
| ISLEMOOR Ward (SSDC Member) | Cllr Malcolm Cavill |
| Recommending Case Officer: | Colin Arnold |
| Target date : | 28th October 2019 |
| Applicant : | Keys Progressive Care And Education Ltd |
| Agent: (no agent if blank) | Mrs Sarah Sands, Emery Planning Partnership Ltd, Units 2 - 4 South Park Court, Hobson Street, Macclesfield SK11 8BS |
| Application Type : | Minor Other less than 1,000 sq.m or 1ha |

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman, in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





This is an application for the change of use of premises from Use Class C3 (residential dwelling) to Use Class D1 (independent day school for 26 young people) including the erection of 3 new classroom units at Ridgeway, Stowey Road, Fivehead, Taunton.

Ridgeway is a large detached property in a fairly isolated position on the outskirts of Fivehead. It is accessed via a long drive some 170 metres long.

The site was a former agricultural holding but that use has long ceased and the property is a residential dwelling set in over six acres of land.

It has an existing large garage block and associated stables which are to be retained as part of the scheme.

The three classroom units are to be sited in the yard to the south of the main house. They are of a porta cabin type which are commonly used as school buildings throughout the country. One will have a toilet block attached. The main dwelling would be changed to a school/office use and five classrooms would be created within as well as an office.

The proposed school (Use Class D1) would operate during term-time only with occasional staff training sessions taking place during school holidays (up to 10 days in any school year). In terms of pupils the applicants business 'provides tailored educational packages for children between the ages of 7 and 19 specifically geared towards children with autism spectrum conditions ('ASC') or social, emotional and mental health (SEMH) and special educational needs.' The main site is based in the Meare Green Area (about ten minutes drive away) and this is proposed to be a satellite school due to a high demand for

such a use. It is proposed to start off in the first year with just 11 pupils but this would rise to 26 in total in three years.

There are nineteen car parking spaces proposed as part of this application.

HISTORY

03/00015/FUL Retention and reconstruction of partially collapsed dwelling with approved extension (approval no 0202564/FUL) and change of use of agricultural land to domestic (GR350/224) Approved 07/02/2003

02/02564/FUL Erection of two storey side extension and reduction/alteration to existing lean to and change of use of agricultural land to domestic curtilage (revised scheme of 0200463/FUL (GR348/224) Approved 29/10/2002

02/00463/FUL Erection of two storey side extension and reduction/alteration to existing lean to and change of use of agricultural land to domestic curtilage (GR 350/224) Approved 22/04/2002

01/01241/FUL Demolition of existing dwelling and erection of replacement dwelling and extension of residential curtilage (GR.349/224) Refused 23/08/2001

92/00882/FUL Erection of an agricultural implement building and a building to house livestock (GR 349/224) - land adjacent to Ridgeway Approved 26/11/1992

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, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4

National Planning Policy Framework
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations
Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Parish Council: Summary of objections

Whilst recognising the laudable purpose of school and the work done by its staff, the following important concerns were recorded:

1. The proposed remote location is in a rural community with poor transport links and highway access, and increasingly difficult/dangerous traffic conditions for all road users.
2. The large increase in vehicle movements at the start/end of the day is onto a single-track road with few passing places (other than private driveways) and then through the centre of Fivehead which is already experiencing an increasing number of traffic-related incidents.
3. The lack of pavements and street lighting would be a danger during the dark winter months particularly for village children walking to/from school transport buses.
4. The planned provision of onsite car parking space and turning area appears to be inadequate.
5. The application did not appear to have any environmental focus and would make a negative contribution to the climate emergency by bringing multiple vehicles into a rural setting and by removing hedgerows.
6. No significant benefits to the community from the application were demonstrated.
7. There are inaccuracies in the application (e.g. the quoted use of the Village Hall; the availability of bus transport routes).
8. The applicant does not own the adjacent hedgerows which it proposes to reduce for a visibility splay.
9. There had been no communication with the parish prior to the application being made (indeed, we invited the applicants to the Public Session). There appears to have been limited formal consultation with the owners of adjacent properties.

Full version available on website.

Neighbouring Parish Council:

'On Friday, Curry Mallet Parish Council considered the planning application 19/02246/FUL Ridgeway, Stowey Road Fivehead TA3 6PP.

Although the application is not in the Curry Mallet parish, it was felt that an increase of traffic might be felt by the village and Councillors do have concerns regarding that.

However, they do support the application.'

SCC Highway Authority:

These comments have been written to take the submitted TSA (Transport Statement Addendum) dated 14 October 2019 into account and should be read in conjunction with the previous highway authority comments dated 7 October 2019.

In terms of pedestrian trips, the TSA states that pupils would not arrive on foot and anticipates that 5-7 members of staff may choose to walk to the development. No rationale for the anticipated number of pedestrian trips has been provided within the TSA. However, taking the location of the development into account as well as limited public transport availability, it is considered highly unlikely that the development would generate a significant number of pedestrian trips and the suggested 5 - 7 staff trips could be an overestimation.

Despite the lack of pedestrian provision in the vicinity of the site, a review of accident statistics in the area has not revealed any accidents which involve pedestrians that could be attributed to the lack of footways. This is a material consideration given that the community centre nearby is also likely to generate pedestrian trips. As such, given that the proposals would generate a low level of additional

pedestrian trips, it is considered unlikely that the development proposals would result in a significant highway safety issue over and above the current situation.

The proposed block plan contained within Appendix 1 of the TSA confirms that 3 disabled parking spaces would be provided. Cycle storage would be located within the garage, with 4 secure cycle parking spaces being provided and additional cycle parking provision being provided if cycle demand increased. Overall, the proposed level of parking provision is broadly in line with the Somerset County Council parking standards.

The Measures-Only Travel Statement is currently being assessed by the SCC Travel Plan Officer and comments will be provided in due course. Notwithstanding this, the highway authority would not wish to raise any objections to the development proposals, subject to the following conditions:

o Prior to the occupation of the development hereby permitted the proposed access over at least the first 20 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

- At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Keys Group Drg. No. 03 A) Such visibility splays shall be constructed prior to occupation of the development hereby permitted and shall thereafter be maintained at all times.
- The proposed access and passing place shall be constructed in accordance with details shown on the submitted plan, Keys group drawing number 03 A, and shall be available for use before the development is first brought into use. Once constructed the access shall be maintained thereafter in that condition at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) and thereafter maintained at all times.
- Note: The alteration of the access and minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the South Somerset Area. Tel No 0845 345 9155. They will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

SSDC Highway Consultant:

None received.

SSDC Environmental Health:

The proposed development will require the construction of 3 new classroom units. There is therefore the potential for disruption to local residential properties during the construction/demolition phase including deliveries of materials. Therefore:

1. Noise emissions from the site during the development of the site i.e. the delivery of materials demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:
 - a. Mon - Fri 07.30 - 18.00

- b. Sat 08.00 - 13.00
- c. All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

2. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.
3. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

The site is a former farm and the exact nature of fertilisers, fuel, pesticides and chemicals stored cannot be known therefore it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.178: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

REPRESENTATIONS

39 letters of objection

- Commend the provision of education for vulnerable young people and support the proposed development in principle, I question the viability of the proposed location, specifically regarding the highways infrastructure of Fivehead village.
- I believe the suitability of Stowey Road has not been sufficiently investigated and no account has been taken of the impact of highway safety on the remainder of the village roads.
- AWP Transport Statement Para 2.6 states that 'The Framework states in Paragraph 109 that a 'Development' should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The statement continues with a significant amount of information on how this impact can be minimised.
- No account has been taken of vehicles parking outside the properties at the village end of the Stowey Road and the narrow section that coincides with the discontinuation of the footpath, where the road narrows to approx. 3 meters for a distance. This road serves the Village Hall, playing field and children's play area whereby pedestrians, pushchairs and cyclists are often sharing the highway with vehicles and animals. The informal passing places are, I think without exception, driveways and access roads to existing properties. Furthermore, para 3.5 refers to the results of the traffic survey carried out in July 2019 which takes no account of traffic serving the village hall, or properties bordering the Stowey Road prior to the proposed development. The traffic survey should be carried out at the junction connecting to the village which will provide a true reflection of traffic movements along the narrowest part of Stowey Road and its junction with the village road, these being the highest risk areas to pedestrians and other road users with

regard to highway safety.

- Para 3.6 details the links from the Stowey Road to the main A378, stating that Ganges Hill and Butchers Hill provide for two priority junctions, 170 metres apart. I disagree! Ganges Hill is a single track road with limited visibility and no passing places other than the junctions with Silver Street and Ganges Close. Therefore the flow of traffic will follow Butchers Hill with one right angled bend by the church, a further right angled bend at the bottom of Butchers Hill, coincident with the junction of the Isle Brewers road. This bend also coincides with the location of the Baptist Chapel, with weekday toddlers group meeting, and the Community coffee shop, with the associated parked vehicles. Vehicles will then experience the bridge pinch point which allows only single file traffic and is currently subject to the imminent erection of traffic warning signs, highlighting the significant hazard presented by the bridge and bend.
- The road continues up the hill with limited visibility and insufficient room for two vehicles to pass until the rise is crested after the junction with Orchard Rise. These hazards are negotiated by all pedestrian, animal and vehicle traffic sharing the highway. No traffic survey has been carried out on Butchers Hill which will carry the majority of the traffic generated by the proposed development.
- The proposed development is intended as a satellite to the existing Keys Group Somerset Progressive School which is well served by its immediate proximity to the A358. However, I consider that the intended development creates an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe as demonstrated by the points raised.
- I would also like to highlight some inaccuracies raised in the documents supporting this development.
- Para 6.3 of the Transport Statement, states that a number of staff are likely to use non-car modes to travel to work reducing the number of vehicles accessing the site. Para 3.19 of the Emery Planning Statement anticipates that staff would travel to and from the site using a means of transport other than private car including public transport. This is supported by Para 4.5 of the Transport Statement stating that the nearest bust stop is approx 300 meters from the proposed development served by the 608, 901 and 904.
- Route 901 to Taunton has 1 service on Saturdays. A non-school day.
- Route 904 to Langport has one service Fridays and Tuesday.
- Route 608 to Ilminster has one service on Thursdays.
- This then leaves just the option of the bus stop at the top of Ganges Hill, detailed as 1000m in the planning documents, but in reality nearer to 1200m if existing roads are followed. Route 54 serves the Taunton - Yeovil route but is currently operating at high capacity during peak times. Public transport therefore presents only very limited opportunities.
- Para 5.8 of the Transport Statement states that refuse collection would typically take place outside of operational hours and would not conflict with parking need on the site. I believe this to be incorrect
- How exactly would the proposed development support the health and well-being of the local community?

- How exactly would the proposed development provide jobs for the local community and in what numbers? The vast majority of staff must be specialists in their field offering limited opportunities for local employment.
- Para 3.15 states that the Village Hall at Fivehead has been hired out on a regular basis for PE lessons as part of the school curriculum for the last 4 years by Somerset Progressive School. This statement is inaccurate and misleading. The village hall was booked weekly for a brief period within the last 18 months but was discontinued after a short period and no bookings have been made for several months.
- To accept another 156 vehicle movements per day (quote) would be totally detrimental to the local area.
- No details have been made about the age or the needs of the children. We do not know if there is a risk to the community based on this. The site is very near the park where children play and youths are able to socialise unaccompanied. This could be threatened.
- The nearest bus stop is not 300m away. This is a stopping place for the infrequent community bus. The nearest bus stop is 1,200m away and at peak times the buses are already full and do not stop.
- I understand that the applicants undertook monitoring of the local traffic along the lane, but I understand that this was conducted during the school holidays so cannot be considered an accurate reflection of traffic volume.
- The location of such premises would surely be preferable in a more suitable urban setting where services are more accessible.
- This is surely an accident waiting to happen should this application go ahead. The village has no infrastructure for this application.
- 156 vehicle movements per day, this amounts to 800 vehicle movements per week, all presumably within the hours of 8-9am and 3-4pm and is not acceptable in our village, due to the road system, which is not designed for such mass movement of vehicles.

1 letter of support:

- I had a leaflet pushed through my door, and I would highly recommend this proposal very much, I hope that the plans are successful and hope that this school has enough land that the Main Builders can build a small community shop to serve the ever growing population of Fivehead, we do not have a post office or a Village shop in Fivehead and with this school hopefully in the making a shop would be ideal for the pupils of the school and also for the village, we have in our village a very nice cafe which serves the local community, and is run solely by volunteers.

CONSIDERATIONS

Principle of Development

There are no direct policies that deal specifically with the provision of a special needs school. The most relevant policy therefore is SD1 which reads as below:

'POLICY SD1: SUSTAINABLE DEVELOPMENT

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework and seek to secure development that improves the economic, social and environmental conditions within the District.

Planning applications that accord with the policies in this local plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:-

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted or refused.
- Where necessary the Council will work with applicants to improve proposals so that they are capable of being approved.'

In this instance the opportunity that this application gives to provide a social facility to assist young people with special educational needs definitely improves the 'social' element as required by the NPPF and this application can therefore be supported subject to material considerations and these are explored below:

Scale and Appearance

As the external appearance of the main dwelling remains unaffected it is mainly the additional elements - the classrooms and extra parking spaces which affect the appearance of the plot in this instance. However given the distance from the road there is likely to be little if any visual impact when viewed from public vantage points. Therefore there is no objection to the proposal on visual amenity grounds.

Residential Amenity

It is accepted that children at play will make noise - it is inevitable when they are expressing themselves. However as previously mentioned the site is in an isolated position away from residential property not associated with the proposed school. The nearest property is some 150 metres away and with the intervening natural screening providing noise mitigation of sorts (trees and hedgerows etc.) it will be largely unaffected (both visually and through noise disturbance) by the proposal it is considered. Notwithstanding this the Environmental Health section have suggested conditions relating to the construction period to add safeguards for the neighbours (especially outside of social hours) It should also be noted that the main dwelling will also be converted so there will be no adverse impact upon that.

In conclusion it is considered that there will be no adverse impact on residential amenity as a result of this proposal.

Highway Safety

Schools by the very nature of their use and with timings involved (i.e. start and end of the school day) mean that there are definite peak times when traffic is leaving and entering the site.

In terms of the access to the site this is proposed to be widened to 5.5 metres in width and a passing point is to be provided on the access lane about 100 metres from the junction with Stowey Road. Visibility at the access is to be 49 metres in either direction which according to the accompanying traffic statement is commensurate with the actual speed of vehicles passing the one-laned Stowey Road (with passing places along it)

The supporting statement with the application states:

'With a maximum trip generation of 78 vehicles in the AM peak per day, added to the average existing flow of 14 vehicles this would mean that the shared space on Stowey Road would continue to operate as existing.'

The County Highway Authority appear to agree with these statements and raise no objection subject to several proposed conditions which are recommended below.

Whilst the comments of the neighbours objecting on highway grounds are duly noted these are not supported by the highway experts and it is considered that a refusal on highways grounds would be unlikely to be upheld at an appeal.

Planning Obligations

There are no planning obligations required for such a use which is deemed to be of community benefit in itself by providing educational opportunities for children/young adults with special educational needs.

Conclusion

The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

To grant permission subject to appropriate conditions.

01. The proposal by reason of its size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan - 1:2500
Existing block plan 10/04/19 -02
Existing elevations 10/04/19 - 06
Existing and proposed floor plans 10/04/19 - 01
Proposed block plan 10/04/19 - 03
Proposed classrooms 10/04/19 - 04
Access arrangement 10/04/19 - Rev B

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

03. Noise emissions from the site during the development of the site i.e. the delivery of materials demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

| | |
|-----------|---------------|
| Mon - Fri | 07.30 - 18.00 |
| Sat | 08.00 - 13.00 |

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: In the interests of amenity and to prevent undue noise and disturbance at unsocial hours and in accordance with policy EQ2 of the South Somerset District Local Plan

04. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

Reason: in the interests of amenity and in accordance with Policy EQ2 of the South Somerset District Local Plan

05. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

Reason: In the interests of amenity and in accordance with Policy EQ2 of the South Somerset District Local Plan

06. Prior to the occupation of the development hereby permitted the proposed access over at least the first 20 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

07. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Keys Group Drg. No. 03 A) Such visibility splays shall be constructed prior to occupation of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

08. The proposed access and passing place shall be constructed in accordance with details shown on the submitted plan, Keys group drawing number 03 A, and shall be available for use before the development is first brought into use. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the use of the school commences and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

Informatives:

01. SSSDC Environmental Health dept advices

The site is a former farm and the exact nature of fertilisers, fuel, pesticides and chemicals stored cannot be known therefore it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.178: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

SCC County Highways Authority advices:

The alteration of the access and minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the South Somerset Area. Tel No 0845 345 9155. They will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

Agenda Item 15

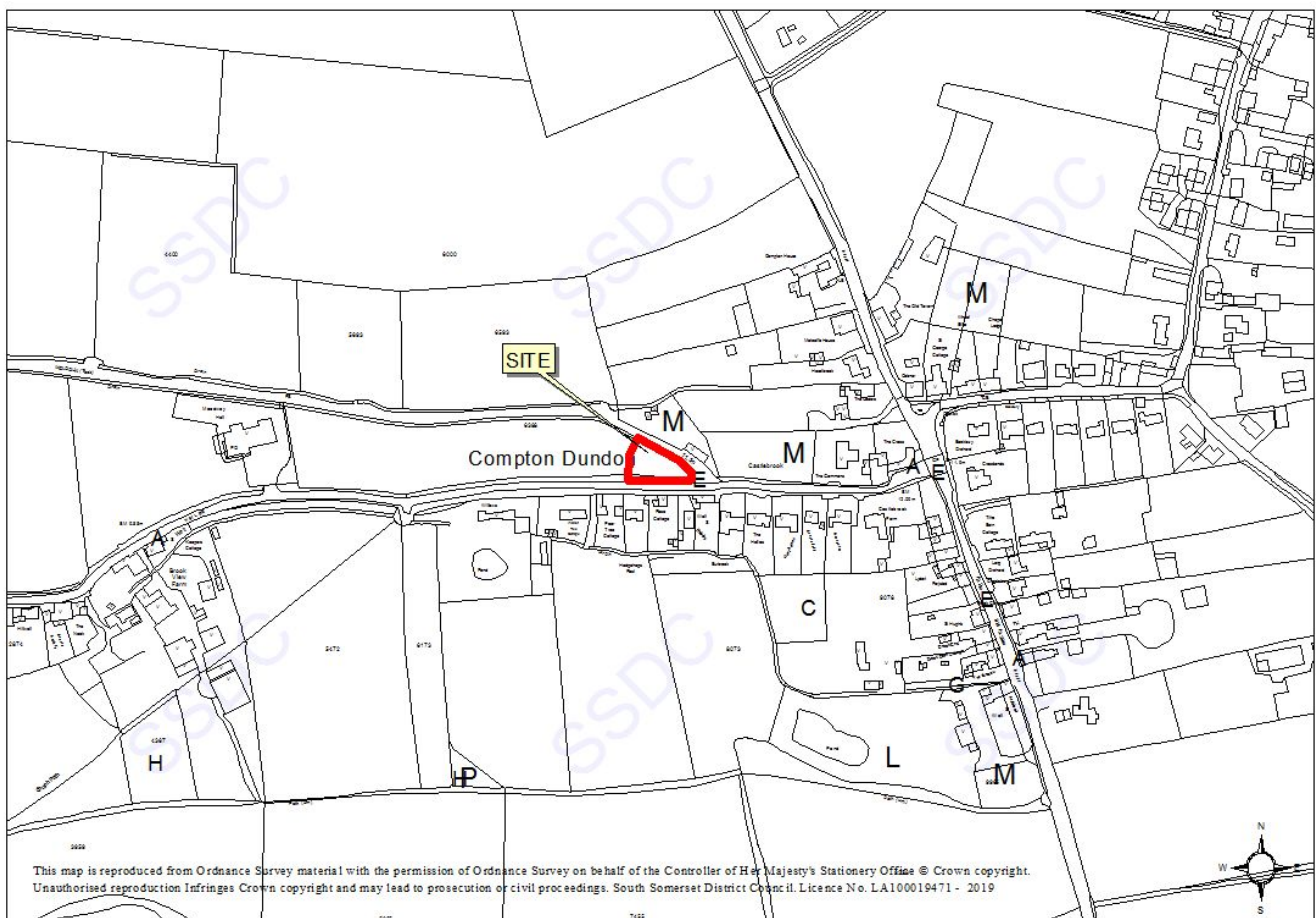
Officer Report On Planning Application: 19/02417/FUL

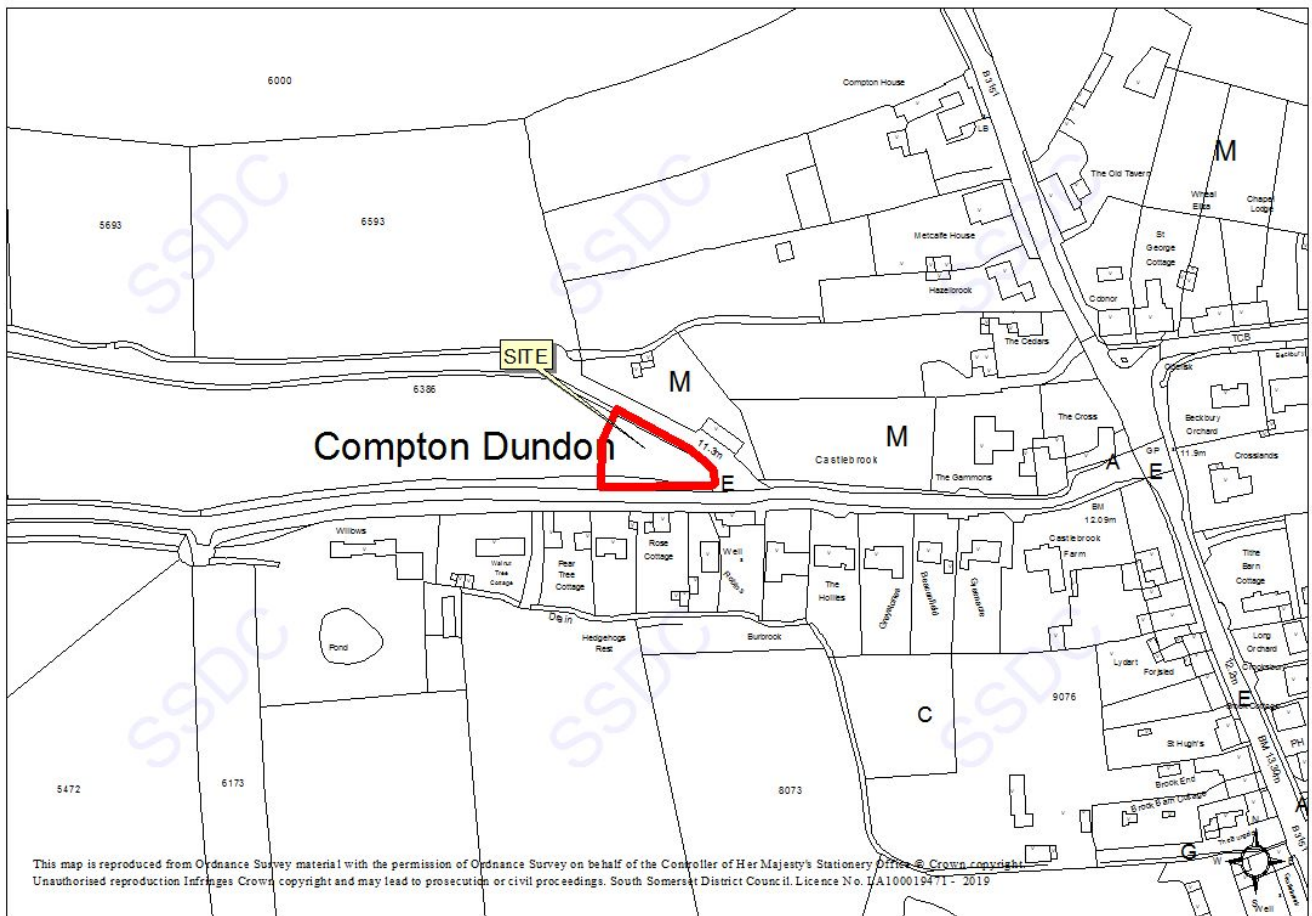
| | |
|---------------------------------------|---|
| Proposal : | The erection of one dwelling with garage, access and landscape planting. |
| Site Address: | Land Adjacent Ham Lane, Compton Dundon. |
| Parish: | Compton Dundon |
| WESSEX Ward (SSDC Members) | Cllr Tim Kerley Cllr Dean Ruddle |
| Recommending Case Officer: | Colin Arnold |
| Target date : | 13th November 2019 |
| Applicant : | Mr Robert Stacey |
| Agent: (no agent if blank) | Greenslade Taylor Hunt, Winchester House, Deane Gate Avenue, TAUNTON TA1 2UH |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Members with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





This is an application for the erection of one dwelling with garage, access and landscape planting at land adjacent to Ham Lane, Compton Dundon.

This application should be read also in context with planning application 19/01598/FUL which is a pending application for 7 dwellings on the neighbouring field (in the same ownership) It is understood that this proposed dwelling is being dealt with separately because it is allocated for the applicants son and family to live in if approved and built. The site under consideration takes the form of an agricultural field and forms part of a gap between this site and the village hall/playing fields.

The proposed dwelling is blue lias stone faced to the road (Ham Lane) and south east elevations with rendered elevations to the remainder. It is set in a fairly large plot which is commensurate in size with opposing properties plot sizes.

The site is currently an agricultural yard and has a concrete panel garage building with a crinkle tin roof upon it. There are wood piles and gravel piles upon it and it is in obvious current use as a working yard.

There is an existing access to the yard which is to be stopped up as part of this proposal - a new access is proposed to the west.

HISTORY

19/01598/FUL - The erection of seven dwellings with access and landscape planting provision (adjacent

site) - currently under consideration.

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, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4

National Planning Policy Framework
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations
Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Parish Council:

'Although the Parish Council realise that they have to consider this application in isolation to neighbouring pending applications, disappointment was expressed that this was not being considered in one application with the 7 other dwellings on the neighbouring plot of land as this would be a fairer representation of the reality of the proposals.

The Parish Council consider that a 2 storey building is too tall for this plot as it would dominate the landscape, having a negative impact on the opposite property through overlooking and loss of privacy. The Parish Council would be more sympathetic to a 1.5 storey building. If there were to be rooms in the roof, the northerly facing windows would overcome this concern, especially if the development was moved back from the road towards the back of the plot.

Concern was also raised about the access onto Ham Lane and loss of the hedge. It was suggested that the access was moved to the corner of the plot by the yard so that the hedge can be left intact and the new vehicular access is not directly opposite 'Hedgehogs Rest'

The Parish Council agreed that they could not support this application in its current form, but would be more sympathetic to a 1.5 storey building with its access moved to the corner of the plot to preserve the hedge and reduce the impact on the homes opposite.

If the access is to remain in its proposed position it was requested that bridge was included rather than a pipe, to overcome the drainage along the highway.

In accordance with Policy SS2, if the development does go ahead, it was requested that the developer is asked to pay contribution towards the restoration of the Church Path which runs opposite the site in order to enhance the community facility.'

SCC Highway Authority:

Standing advice applies.

SSDC Highway Consultant:

SCC comment: see PROW L 7/25 SSDC Highways Consultant's comments: I have no significant highways issues to raise with this scheme. The site is in a sustainable location, the traffic impact of one further dwelling on the local highway network would not be significant or severe. The proposed means of access appears acceptable in terms of its location, width and the extent of the visibility splays (no obstruction greater than 600mm). I would, however, seek that the entrance gates are set back a minimum distance of 5m from the edge of the carriageway, that the area between the gates and the carriageway is properly consolidated and surfaced (not loose stone/gravel) and that appropriate drainage measures are installed to prevent surface water from discharging onto the highway unless the access falls into the site. These aspects of the design could be conditioned. The proposed level of car parking and turning is acceptable. A S.184 license will be required from SCC to form the entrance.

SCC Archaeologist:

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

REPRESENTATIONS

10 letters of objection:

- does not adhere to Paragraph 12. 130 of the NPPF which states:
- "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."
- The proposed building by reason of its size, height and location within the plot would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- It is yet another poorly designed, urban style house which has no place in a rural village. They would get to look at pretty cottages out of their windows, what do we get?
- Too large in context of other properties in the area
- Overlook the opposite properties
- No need for new access there is a large existing one
- Hedge is home to great crested newts

- Increase in traffic on road already used by HGVs and tractors
- Loss of open rural views which are characteristic of Compton Dundon
- Impact on historic outlook and setting
- house that looks like it was plucked from a town estate at the expense of the local visual amenity
- in the last few years plans for 40 new houses have been approved in the village
- the old hedge is rich in wildlife and should not be removed.
- the fact that the proposed build would be a two storey house with south facing windows, situated to the front of the proposed plot, in my view, is just criminal!

3 letters of support

- I have had connections with the village for 50+ years firstly as a headmaster, latterly as a resident and have noted that the children of the village have been unable to stay here due to the high cost of the properties that come onto the market
- The applicant - would obviously benefit his work with the animals he farms on the plot and he keeps the whole site in a neat and tidy manner.
- We believe the applicant has taken into account the positioning of the property the potential impact it may have on the neighbouring properties
- We also note that the property will incorporate 'natural materials and design features'
- We recognise that the proposed development does sit beyond an access track which provides a natural boundary from the existing properties on that side of the road but we do believe this utilises the area well.
- We have no objections whatsoever to this proposal.

CONSIDERATIONS

Principle of Development

The site is located to the west of Compton Dundon. Policy SS1 (Settlement Strategy) of the Local Plan highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Compton Dundon, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. In the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless *1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

As a starting point, in the current policy context, Compton Dundon is a settlement that does contain at least two of the key services listed in paragraph 5.41 of the Local Plan and therefore is considered to be a generally sustainable location, in terms of policy SS2. Specifically there is a public house, part time Post Office, children's play area, village hall, church and car sales place. Taking this into account, and noting the lack of 5 year land supply, it is considered that the development of this site for residential purposes could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. These are discussed below.

Scale and Appearance

In a village which has a large amount of natural stone as a building material it is important to note that the proposed dwelling is faced with blue lias stone (a locally sourced type of stone) to its publicly viewable elevations (namely the south east and south west elevations. This is not within a conservation area so it would be unreasonable to insist on the building being solely in stone and render is considered accepted for the remaining elevations (and render is also considered acceptable on elements in the adjoining proposal for seven houses also)

In terms of appearing overbearing (a point raised by the objectors) - one has to look at the surrounding development which (across the road on the denser built development side) is a mixture of two storey properties (including cottage types which are smaller) and bungalows - so the addition of this two storey property will not appear overbearing in the street scene in any way.

Residential Amenity

In terms of residential amenity the objectors raise overlooking as an issue - but any overlooking that will occur would be across the road which is a common situation across the country was a whole and not a valid reason for refusal. There will also be no undue overlooking should the adjoining proposal for seven houses be approved.

The current use of the land appears as an agricultural yard/workshop area which presumably had an

element of noise associated with it - a residential use would actually in that sense improve the residential amenity for the neighbours by potentially being a quieter use of the site.

Highway Safety

The SSDC Highways consultant has raised no objection to the proposal also noting that the site is in a sustainable location. The consultant also suggests a number of conditions all of which are supported and listed below. The existing access which is to be stopped up is lacking in visibility to the west and the proposed new access has the required visibility splays for the speed limit of the road and is in accordance with highway standards (so in essence an improvement on the status quo)

Ecology

An ecologists report was submitted with the application which related to the entire site has led to the conditions being suggested as below in order to protect any existing wildlife and enhance the development in an ecological sense. It should be noted that the existing southern boundary hedge is to be retained as part of this proposal. The wood and rubble piles will need to be searched for wildlife before removal.

Response to contributor's comments (not already covered above)

If the hedge does contain great crested newts (the ecological report did not identify this) they will be protected by the proposed conditions relating to ecology.

As the SSDC Highways consultant noted - the extra traffic from a single dwelling house would be a negligible increase in traffic using Ham Lane.

The loss of open rural views is an important point. However, the is no 'right to a view' in planning law and the balancing exercise of having to provide more housing (in the absence of a five year housing supply) means that the balance falls in favour of providing much needed housing.

The 'old hedgerow' as mentioned by the objector to be rich in wildlife is to be retained and untouched by this proposal.

Whilst it is admirable that this will allow a local young person to remain within the village (which is usually prohibitive because of the high price of the housing in the village) it has to be pointed out that this is not a 'tied' dwelling as such - it is open market and could, in theory, be occupied by anyone with the means to purchase it.

Planning Obligations

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

Conclusion

Whilst this application is linked with the neighbouring proposal in as much as it is from the same applicant - it has to be dealt with on its own merits (because in theory the neighbouring application may be refused for example) it is a small application for a single plot in a sustainable location and is perfectly reasonable and acceptable in all aspects - the recommendation is duly for approval.

RECOMMENDATION

To grant permission subject to appropriate conditions.

01. The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Main drawing refs: 2641A-DR-A-050-

002 - Site Plan
003 - Ground floor plan
004 - First floor plan
005 - SW and NW Elevations
006 - NE and SE Elevations
007 - Location Plan

Site Survey job no. 7880 (x3)

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

03. The area allocated for parking on the submitted plan number 2641A - DR-A-050-002-Site Plan shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

04. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the development is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

05. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the vehicular access and extending to points on the nearside carriageway edge

43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

06. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

07. Badgers could be encountered during and post development. Appropriate impact avoidance and briefing of contractors and information for home occupiers should be provided as per the following conditions:

- All contractors on site must be appropriately briefed by the Site manager, indicating that badgers are legally protected and must not be disturbed.
- Any construction excavations over 1 metre deep and left open overnight must be either cover plated or have a means of escape should a badger fall in. A suitable means of escape is a rough wood plank slowly inclined from the base of the excavation to the surrounding ground level.
- Any construction opening larger than 125mm diameter of equivalent, must not be left open overnight.
- New home occupiers must be advised by the Developer that badgers are active in the vicinity and that badgers and badger setts are legally protected.

Reason: To ensure compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference and in accordance with Policy EQ4 of the South Somerset District Local Plan.

08. Potential resting places for reptiles were found on site in the form of log piles and other material, as such:

- Any features, such as the spoil pile on the western edge of the site, which potentially afford resting places for reptiles and/or amphibians will be dismantled by hand, piles should be removed from the site in phases; beginning from the centre of the pile moving slowly outwards to give any protected species present time to disperse away and to avoid being isolated from ecological corridors that will provide a means of escape.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

09. The entrance gate(s) shall be set back a minimum distance of five metres from the edge of the adjoining carriageway and the sides of the access shall be splayed from the centre of the access at such distance from the carriageway edge at an angle of 45 degrees. These works shall be fully implemented before the access concerned is first brought into use.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

10. The development hereby permitted shall not be commenced until the surfacing materials of the access drive and turning and parking areas have been approved in writing by the Local Planning Authority and such areas properly drained, consolidated and surfaced in accordance with those approved details.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk .

02. The SSDC Highway consultant advises:

A S.184 license will be required from SCC to form the entrance

Agenda Item 16

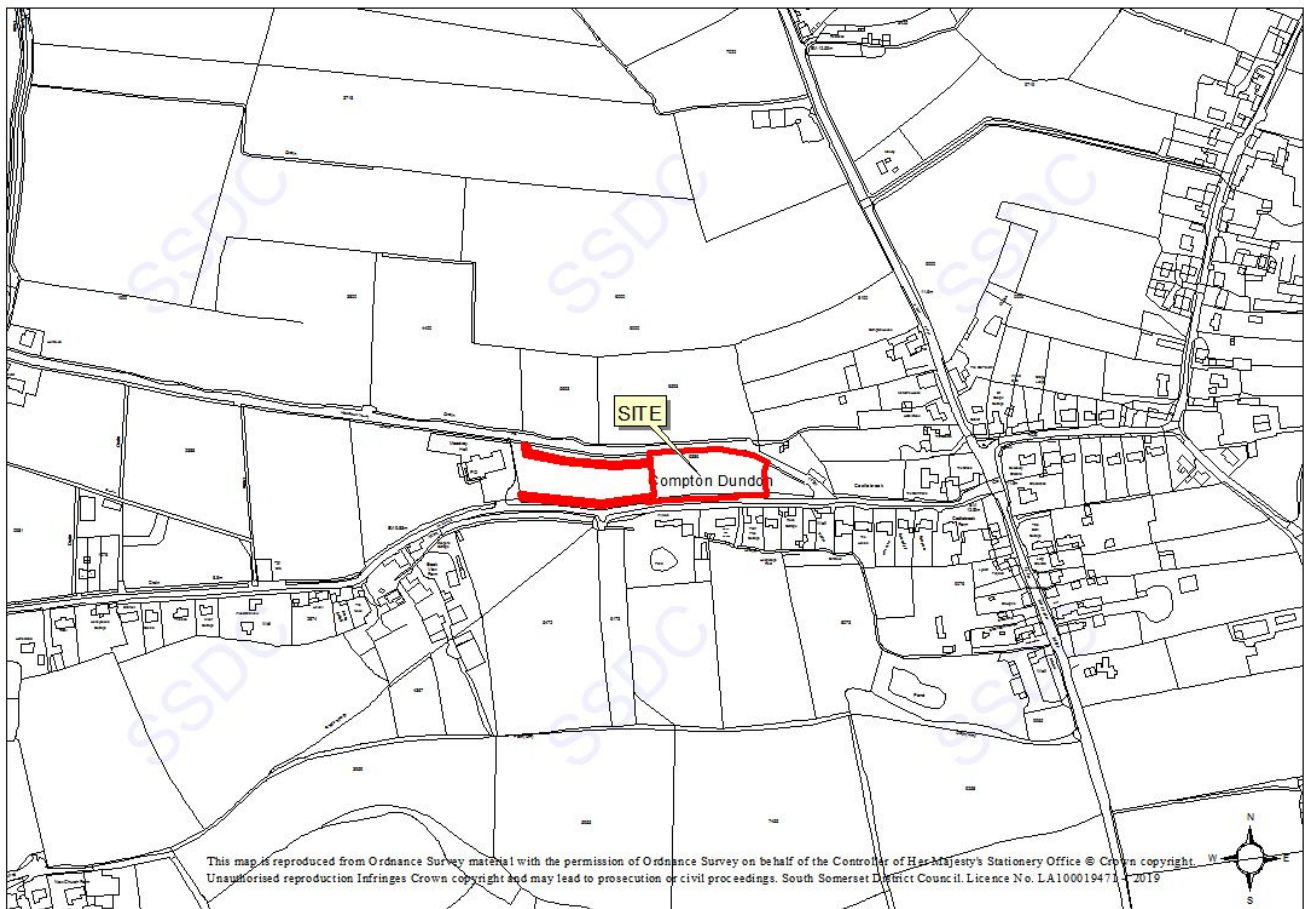
Officer Report On Planning Application: 19/01598/FUL

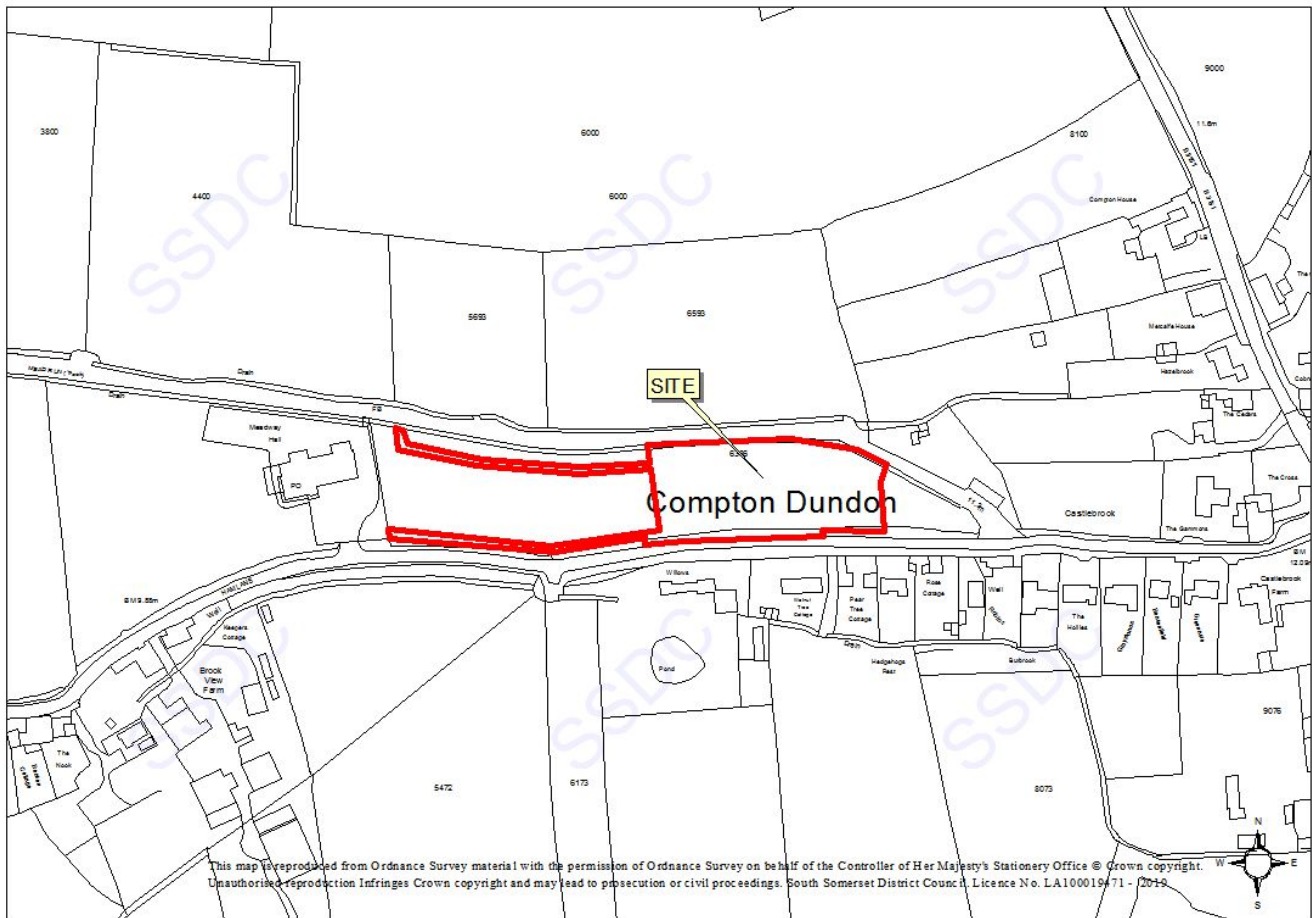
| | |
|---------------------------------------|---|
| Proposal : | The erection of seven dwellings with access and landscape planting provision |
| Site Address: | Land Adjacent Ham Lane, Compton Dundon, Somerton. |
| Parish: | Compton Dundon |
| WESSEX Ward (SSDC Members) | Cllr Tim Kerley Cllr Dean Ruddle |
| Recommending Case Officer: | Colin Arnold |
| Target date : | 1st August 2019 |
| Applicant : | Mrs Anne Stacey |
| Agent: (no agent if blank) | Greenslade Taylor Hunt, Winchester House, Deane Gate Avenue, TAUNTON TA1 2UH |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

REASON FOR REFERRAL TO COMMITTEE

The Area Chairman agrees with Ward members concerns about proximity to Listed Building and possible detriment to the street scene.

SITE DESCRIPTION AND PROPOSAL





This is an application for the erection of seven dwellings with access and landscape planting provision at land adjacent to Ham Lane, Compton Dundon, Somerton.

The site is accessed via Ham Lane and is a gently sloping field (difference of approximately a metre in a North West direction) which is of well managed grass. At the entrance to the site is a store building and a large pile of logs and other assorted materials such as pallets, gravel pile etc.

There is a hedgerow of various species adjacent to Ham Lane and no watercourses present on the site (a 100 metre wide swale is proposed to deal with surface water as part of the proposals). There is an electricity overhead line along the site which will need to be taken into account when assessing the application

To the south of the site is a linear line of large detached properties principally constructed of natural stone. There is a pavement which the hedge is slightly overgrown to the west of the site which ends where the properties are across the road where they have a grass verge for pedestrians (however it is not clear whether this grass verge area is in the ownership of the relative properties leading to a potential reluctance for pedestrians to use this route) The proposal includes the addition of a new footpath that will provide a safer pedestrian connection to the village hall and the post office facility and allow easier access also from the village to the children's play area.

Ham Lane is a two lane road which is accessed of the main road/route through Compton Dundon. The site is approximately one hundred metres from the core of the village of Compton Dundon and near the village hall, post office (same building) and children's play area to the west of the site.

The proposed development is a mixture of semi-detached (x1) and detached properties (x5) with parking

spaces to the rear of the properties. All of the properties are in a north/south configuration in terms of the main fenestration.

It is noted that on the submitted layout plan on land outlined in blue to the east of the site that there is an annotation which states 'site reserved for future dwelling (by separate planning application)' whilst it is noted any approval of this application would have to have a disclaimer stating that the approval does not tactically approve this dwelling which as stated must be the subject of a separate planning application to be dealt with on its own individual merits.

The palette of proposed building materials includes lias, hamstone and rendered elevations, tiled roofs with brick chimneys, and uPVC doors and windows. The designs incorporate a number of local characteristics including low overall heights with first floor windows set directly beneath the eaves or within traditional dormers; a long frontage and narrow depth; a high wall to void ratio with openings of vernacular design and proportions; simple porch canopies; and appropriate detailing.

HISTORY

88/00529/ELS - Erection of an overhead electricity line - granted 1988.

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, SS1, SS2, SS4, SS5, TA5, TA6, EQ1, EQ2, EQ4, EQ5, EQ7

National Planning Policy Framework
Chapters 2, 4, 5, 8, 9, 12, 14, 15

National Planning Practice Guidance
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations
Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Parish Council:

The Parish Council cannot support this application in its current form.
It must:-

- Provide 2 x Single Story 3-bedroom dwellings - Preferably Plots 2 & 3 to reduce the impact on

the surroundings of the listed building opposite. (Walnut Tree Cottage)

- Provide 2 x 3 Bedroom "affordable" dwellings.
- Remove the footpath inside the site boundary to the North of Ham Lane and instead make improvements to the "Church Path" along the length of Ham Lane.
- Gift the land to the west of the Site to the Parish Council.
- Protect the hedges to the North and South of the site by including conditions in any permission given.
- Include a mix of materials & finishes.
- Push back the Housing line, further away from Ham Lane
- Remove permitted development rights from any permission given

SCC Highway Authority:

BACKGROUND AND PROPOSAL

This is an application for permission to erect seven dwellings on land to the north of Ham Lane in Compton Dundon. Ham Lane is a classified highway and access is then achieved to the B3151. The roads are both restricted to a 30mph speed limit. Ham Lane is a relatively quiet road.

The proposal includes a new vehicular access and a new pedestrian access to the site.

PARKING AND VEHICLE MOVEMENTS

Parking.

The proposal would see the erection of seven new dwellings, five would include four bedrooms and the remaining two would include three bedrooms each.

With regards to vehicle parking provision the Highway Authority would require that the parking provision reflects that of the Somerset County Council - Parking Strategy (amended September 2013). Below I have outlined the parking requirements for the Compton Dundon area, which is located within a 'Zone B' region for residential development:

| Zone | 1 Bedroom | 2 Bedroom | 3 Bedroom | 4 Bedroom |
|-----------|----------------|--------------|----------------|--------------|
| B - Amber | 1.5 car spaces | 2 car spaces | 2.5 car spaces | 3 car spaces |

As demonstrated on the submitted plan number 3975-PL-117 the proposal sees the inclusion of a garage for plots 4, 5, 6 and 7, along with two parking spaces per property, a double garage and two parking spaces for plot 1 and three parking spaces for plot 3.

According to the Somerset Parking Strategy (SPS) the optimum level of parking provision for the proposed mix of dwellings in this location is 20, plus visitor spaces, the proposal is therefore in general accordance with the SPS optimum level, however, no visitor parking spaces have been identified.

Additionally, as part of the Somerset County Council Parking Strategy, new residential development is required to provide cycle storage facilities and electric charging points for each property. To comply with the SPS standards there is a requirement for appropriate, accessible and secure storage for 26 bicycles based on 1 per bedroom, the cycle parking should be secure, appropriate and accessible.

Vehicle Movements.

The average dwelling generates 6-8 vehicle movements per day, therefore the proposed development is likely to generate 42-56 additional vehicle movements per day. It is the opinion of the Highways

Authority that there is sufficient capacity within the surrounding highway network for this increase to not represent a significant highway safety impact as set out in paragraph 9 of the National Planning Policy Framework.

ESTATE ROADS

The applicant should be aware, that it is likely that the internal layout of the site will result in the laying out of a private street(s), and as such, under Section 219 to 225 of the Highway Act 1980, will be subject to the Advanced Payment Code (APC).

The drawing provides little in the way of technical information however:

- There is no provision for the turning of vehicles outside plot 2:
- the proposals do not therefore meet highway authority standards for adoption as roads maintainable at public expense.
- New private streets accessing the public highway require approval under the Highways Act 1980 Section 278, obtained from the highway authority (Somerset County Council).
- The developer's contractor will need to be approved and licenced under a Section 171 of the Highways Act 1980 to carry out works in or adjacent to the public highway.
- The refuse truck is unlikely to enter the new estate road to make collections, refuse for collection will therefore need to be placed on the side of Ham Lane (see next bullet point)
- Along the frontage of development on Ham Lane is a ditch/watercourse. Consent will be required from the owners of the ditch (if not owned by the developer) and consent will also be required to pipe those sections of the ditch that need to be piped to maintain the watercourse and facilitate access across to the new development.
- The radius of the kerbed bellmouth at the junction with Ham Lane appears to be less than the minimum 6m.
- The proposed visibility splay appears to pass through the existing mature hedge, which is shown retained tight to the proposed road edge/bellmouth.
- The pedestrian link outside plot 1 is also shown as passing through the existing hedge. Lack of maintenance of this hedgerow could seriously limit visibility from these two facilities.
- The proposed footpath to the village Hall is shown development side of, and close to, the existing mature hedgerow. It is unlikely to be adoptable for maintenance at public expense as highway, and the hedge may encroach on the path if not maintained

- Proposals for shared surface roads for adoption require a blocked paved or coloured macadam surface to differentiate them from non-shared surface roads. It is appreciated these estate roads are unlikely to be adopted, however if the proposal is for a block or coloured surface the first 5m of road from the edge of existing highway needs to be of standard construction (black top or concrete) as agreed in the S278 agreement referred to above.
- There is no information on road drainage. On the proposed development side of Ham Lane, road surface water currently drains into the road side ditch/watercourse. If kerbing is proposed that may trap road water road side of the ditch along this frontage, alternative drainage provisions will need to be proposed and approved as part of the Section 278 agreement referred to above.
- No surface water drainage is to be allowed to flow out onto Ham Lane.

OTHER CONSIDERATIONS

Access and visibility

The proposal would see a new vehicular access created which would be approximately 5 metres wide, this is considered appropriately wide for two-way vehicle movements.

Submitted plan No 2641-PL-02 indicates that visibility splay of 2.4m x 43m can be achieved in both directions, however, this visibility splay, as drawn, is currently inhibited by the existing hedgerow which is to be retained, this will need to be addressed. According to Manual for Streets (MfS) the requirement for visibility in a 30mph location is 2.4x43metres, therefore the provision as detailed, subject to hedge trimming/removal, is in accordance with MfS. The proposal would also see the creation of a pedestrian access, this access does not appear to have any visibility splay onto a highway with no footpath, this will obviously need to be addressed and a visibility splay of 1.5metres x 43metres should be provided so as

to be in accordance with MfS.

Drainage

The applicant is reminded that it is an offence under the Highways Act (1980) to allow water or detritus to flow onto the highway, as such it is considered appropriate to request that a condition regarding drainage is included should permission be granted.

CONCLUSION

Taking into account the comments above the Highways Authority does not object to the proposal, subject to the necessary alterations to the hedgerow at the accesses and should the Local Planning Authority be minded to grant permission the Highways Authority would recommend that the following conditions are imposed: (see below)

Final comments relating to the amended plan showing a turning area for plot 2:

Following submission of the revised drawing 2641-PL-02 Revision B I can confirm that the applicant has addressed the concerns regarding the lack of turning area outside Plot 2. This latest submission has included an informal area in which vehicles may be turned, thus eliminating the need to reverse approximately 40 metres to the 'T' junction.

Please note that previous comments and previously recommended conditions not relating to this aspect continue to apply. I would recommend a further condition be added to ensure that this turning area be kept clear for the turning of vehicles only.

SSDC Highway Consultant:

SCC will be providing comments and a recommendation on this application.

SSDC Environmental Health:

I have no concerns regarding this development from an EP perspective.

County Archaeology:

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

SSDC Ecologist: In April 2019 Country Contracts carried out a preliminary ecological appraisal of an area of land off Ham Lane, Compton Dundon, Somerset. The proposed development area is part of an improved agricultural field alongside the north of Ham Lane. The land is used for a mix of pasture and rotational crops in fields divided by connective hedgerows. Some of the field hedgerows have mature trees but many are flail cut.

The proposal involves the erection of seven dwellings with associated access and planting.

The findings of the preliminary ecological appraisal are as follows:

- The southern and northern boundary hedgerows have potential for use by commuting and foraging bats.
- Woodpiles and other materials on site are considered to offer suitable refuge for amphibians and reptiles.
- The hedgerows on site provide suitable nesting opportunities for birds
- No badger setts were found on site, however a badger path was found to cross the southern boundary and extend north/south across the field to a further route through the northern hedgerow.
- The habitat on site was not thought to be suitable for dormice.

SSDC Conditions and informatives

Based on the ecological results to date, please attach the following conditions to any planning permission granted (see conditions below)

LLFA: no comment

Wessex Water: suggests informatives and a condition relating to foul sewerage

REPRESENTATIONS

22 letters of objection and one letter of comment:

- The Village Hall was built in 2000 and is situated in the area next to the proposed development. We are concerned due to the proximity of the hall and this proposal re the noise from the people hiring the hall, especially at the weekends due to musical events. Our hall is in constant use from hirers. Therefore as a committee we are objecting to this development.
- Detrimental impact upon residential amenities - contrary to para 124 of the NPPF, PPS3 (Case officer note: now superseded by the NPPF) does not respect the character of the area to the detriment of the local environment. The proposed dwelling are two storey properties yet their proportions are smaller than neighbouring properties. The proposed dwellings incorporate dormer windows, UPVC windows and doors, which are identical on all seven properties, and solar panels unlike any other neighbouring property so the scale and design of the development will be entirely out of keeping.
- The properties along this part of Ham Lane are typically characterised by large plots. There are three thatched cottages, two of which are Grade 2 listed, nine bungalows and three, two storey houses all of which have roof levels much lower than the proposed new dwellings
- Loss of views affecting the amenity if neighbouring dwellings with the proposed dwellings being overbearing, out of scale and out of character with the existing dwellings
- Loss of open aspect of neighbourhood
- Loss of privacy

- Contrary to para 12, 130 of the NPPF
- The proposed development by reason of its size, depth, width, height and massing would have an unacceptable impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- Loss of ancient hedgerow - who will own the hedgerow when the subsequent householders have moved in there could be a temptation for them to prune the canopies of the hedge to receive more light/outlook. This would undermine the amenity value of the hedge.
- Effect of the development on the setting of a Listed Building
- No consultation with the local people who knew nothing about the proposal until notified of the proposal by the local planning authority.
- We choose this location because of the open nature of the street. Had we wished to live cheek by jowl with a housing estate we would have chosen a different location.
- My 1st observation is that, in the past 41 years that I have lived in the village building of any property on the North side of Ham Lane has always been declared as not possible. A major point for those living on the South side from the point of view of ongoing visual amenity, Why has this now been overruled!
- My 2nd observation is that the proposed 7 dwellings appear to have a "modern" appearance with identical roof materials and style of windows.
- When I applied to build my property on the south side, some 20 + years ago, many restrictions were made, the property having to be built with natural stone and some brick elevations to give it an old cottage appearance.
- Also to keep the roof ridge line low, to be in line with adjacent thatched and tiled cottages, but to comply with ceiling height building regs, the bedroom ceilings were constructed into the loft space.
- Also double roman tiles were used on the roof, but adjacent cottages roofs are constructed with a mixture of triple roman, double roman and thatch, giving a random appearance as you would expect in a country village.
- I would therefore expect any other properties being built in the vicinity to be built with similar considerations and restrictions.
- Would set a precedent for further development right down Ham Lane and almost certainly upon any land left between the parish hall and the proposed site - This is quite obviously a major housing development split into parts to ease it through the planning process, without objection or obligations and should be considered as such.
- We feel that a small, beautifully executed and sympathetically styled development here may well improve the aspect of this particular part of the village. We have studied the proposed plans and sadly, we are not sure that this current design reflects that need.
- The plans show large executive style homes that are not in keeping with the local vernacular and would be overbearing on the existing properties - Rose Cottage and Walnut Tree cottage (which we note is a listed building) would be particularly affected.
- The junction between Ham Lane and the B3151, with its reduced visibility splays feels

inadequate at present. To add upwards of another 14 - 28 cars from these family homes (up to 56 journeys not including delivery drivers etc.) onto that junction daily could compound issues here.

- There also remains the issue of the new build homes on the north side of the B3151, south of the Stockelm cottages that remain empty and unused. We fail to see how any additional planning can warrant merit until such time as these properties are finished and inhabited. Whilst they remain empty, we feel the argument for no further development should be sustained.
- Difficult to argue an overarching 'need' for development in Compton Dundon, which despite the garage, church and pub, fails to really tick the boxes for sustainable location since the closure of the school.
- Whilst we will happily support the Stacey family to develop here in the future, we feel there is a strong need for more engagement with the direct neighbours to find a plan that satisfies the applicant's desire to develop the land, but to do so with a style that is more sympathetic to the current vernacular.
- Row of urban housing is incompatible with the thatched houses and stone dwellings opposite.
- Will spoil the rural outlook of the village and significantly increase the traffic in what is a narrow lane.
- New houses will be immediately opposite my cottage, 2 metres higher than my cottage and extremely close together
- Loss of ancient hedgerow ignoring the entrance that already exists
- I believe that the crested newts that come into my garden in the spring are in the ditch at the base of my hedge.

CONSIDERATIONS

Principle of Development

The site is located to the west of Compton Dundon. Policy SS1 (Settlement Strategy) of the Local Plan highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Compton Dundon, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a

settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. In the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless *1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

As a starting point, in the current policy context, Compton Dundon is a settlement that does contain at least two of the key services listed in paragraph 5.41 of the Local Plan and therefore is considered to be a generally sustainable location, in terms of policy SS2. Specifically there is a public house, part time Post Office, children's play area, village hall, church and car sales place. Taking this into account, and noting the lack of 5 year land supply, it is considered that the development of this site for residential purposes could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. These are discussed below.

Scale, Design and Appearance

In terms of scale the properties range from the smaller properties - approx. 80 square metres to the larger properties which are circa. 150 metres. This mirrors the variety of property sizes across the road in Ham Lane. In terms of scale it is considered that the proposal complies with Policy EQ2 of the South Somerset District Local Plan (2006-2028) It is accepted that the new dwellings do not reflect the older character of the opposing dwellings in Ham Lane but this represents a new chapter in the village and does not necessarily need to reflect the older dwellings.

The proposed dwellings show an important mix of styles and will complement the village vernacular as a whole.

In terms of building materials the palette is varied it is accepted but it does show a mix which adds variety and interest to the development when seen as a whole. This is not within a conservation area so to insist on thatched roofs and natural stone to match some of the neighbouring dwellings would be disproportionate in this location.

Residential Amenity

The design and access statement submitted by the agent states:

'The separation between existing and proposed dwellings (window to window distance) in most cases is well above the normal tolerance of about 21 metres, and being within the public realm across the highway, will maintain appropriate standards of privacy and amenity. Whilst Plot 1 and 2 are within 21m of the front elevation to Pear Tree Cottage, the layout of the dwellings is offset, and Pear Tree Cottage has very limited window frontage to Ham Lane, such that that any potential for overlooking would be minimal.'

This statement is agreed - no undue overlooking issues arise from the proposal. Also the dwelling are

located so that they do not appear unduly overbearing when viewed from the existing residential properties across the road in Ham Lane.

In terms of the development as a whole there are no internal overlooking or overbearing issues that would warrant a recommendation for refusal.

In terms of the objection received from the Chairperson of the nearby Village Hall where they identify themselves as a possible noise creator in the vicinity (especially when music events take place at weekends for instance) this is a valid point which was put to the agent who has responded as follows:

I have seen the comments of the Meadway Village Hall Committee in response to the above planning application, submitted on behalf of our client Mrs Stacey.

"In response, I would make the point that there are already existing residential properties in equal or closer proximity to the village hall, both to the east and west along Ham Lane. Any activities within the hall that would constitute a nuisance to residents in the proposed dwellings will have equal or greater impact upon residents of these existing properties, and therefore the development of the proposed dwellings is not creating any greater potential for noise impact than may exist at present.

It is worth mentioning that modern building regulations requirements for window construction and air tightness will mean that the residents in the proposed dwellings will be better protected from noise in the vicinity than residents of existing older properties that may not necessarily have been built to the same standards.

I would also comment that any future occupier of the proposed dwellings will be well aware of the nearby presence of the village hall, and that events may be held there from time to time. No doubt they will take this into consideration in deciding whether to buy or rent the property."

The points the agent are accepted but it is important to note that to use the existing properties as a reason is interesting to note but this proposal is placing more residents in the 'impact zone' of the noise from the village hall but given the other two points made it is considered on balance that the proposal is acceptable.

Highway Safety

The County Highways Authority have raised a number of issues with the original plans and in response the agent submitted amended plans. These plans have been accepted as acceptable except for a requirement of a turning head at plot 2 which was subsequently satisfactorily addressed by an amended plan. The CHA have suggested a number of conditions which makes the development acceptable and these are supported and reproduced in the recommended conditions shown below.

A notable advantage that arises from this proposal is the provision of a footpath link to the village hall which will encourage pedestrian connectivity with the main core of the village and its main facilities (such as public house and garage etc.)

Ecology

An ecological survey has been submitted as part of the application. A badger run has been detected along the site and this is shown in the appendices of the report and there is a clear indentation in the grass. However, the ecologist suggests that the site can be adequately controlled by planning conditions without ecological detriment. These conditions are supported and recommended to be included on the decision notice. The Parish Council and the neighbours point to the existence of newts in the vicinity emanating possibly from the ancient hedgerow that borders the site. However, this contrasts with the professional ecologists report which states:

'There are no aquatic habitats within the site or immediate boundaries. The roadside ditch is dry and apparently regularly maintained.

The field interior was considered unsuitable to provide refuge for reptiles and amphibians. However, there are piles of logs and other materials at the eastern end of the field which could provide refuge for reptiles and amphibians'

The ecologist then goes on to recommend a condition requiring a Method Statement to minimise potential impact on wildlife when removing the roadside ditch and hedgerow section. He also states that the removal of the log piles and other materials must be undertaken as a 'destructive search' supervised by a competent ecologist. These recommendations are supported and included as possible conditions (see below).

Response to Parish Councils and contributors comments (not already covered above)

A request to amend the dwelling types was offered to the agent but it was decided to proceed with the application as submitted. It is agreed with the Parish Council that a mix would be desirable but there is no policy which insists upon this.

The provision of the footpath is one of the most tangible benefits of the scheme to remove it and improve the existing Church path would involve land not in the applicants ownership so therefore this proposal is not supported.

To gift the land to the west to the Parish Council would appear disproportionate in this instance (whilst it is understood that the Parish Council are desirous of maintaining a gap between the dwellings and the village hall)

A condition is proposed to protect the hedges to the north and south of the site as per the Parish Councils wishes.

A mix of materials and finishes is already proposed. There needs to be a degree of some uniformity to establish it as a sense of place in itself rather than an ad-hoc piecemeal approach of seven separate dwellings.

The moving back of the properties from Ham Lane has been considered but this would remove the new estate from the Lane and in a sense alienate it from it internalising the new estate from belonging to Ham Lane leading to a possible lack of community cohesion.

Other Issues

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). Should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

Conclusion

The proposal by reason of its size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Grant permission subject to conditions

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

2641 - PL - 3, 4, 5....39, 40 and 41 - Plots 1-7 Garage, Roof, Floor and Elevation Plans
2641 - PL - 42 - Indicative Street Scene
Extended Habitat Survey (April 2019) Country Contracts
RMA - C1961-1 - Compton Dundon Drainage Strategy
2641 - PL - 02 Rev B Site Plan
2641 - PL - 01 Location Plan

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

03. The area allocated for parking on the submitted plan number 2641-PL-02 rev A shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

04. The proposed 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 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 in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

05. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the development is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

06. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the vehicular access and extending to points on the nearside carriageway edge 43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

07. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 1.5 metres back from the carriageway edge on the centre line of the pedestrian access and extending to points on the nearside carriageway edge 43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

08. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

09. Badgers could be encountered during and post development. Appropriate impact avoidance and briefing of contractors and information for home occupiers should be provided as per the following conditions:

- All contractors on site must be appropriately briefed by the Site manager, indicating that badgers are legally protected and must not be disturbed.
- Any construction excavations over 1 metre deep and left open overnight must be either cover plated or have a means of escape should a badger fall in. A suitable means of escape is a rough wood plank slowly inclined from the base of the excavation to the surrounding ground level.
- Any construction opening larger than 125mm diameter or equivalent, must not be left open overnight.
- New home occupiers must be advised by the Developer that badgers are active in the vicinity and that badgers and badger setts are legally protected.

Reason: To ensure compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference and in accordance with Policy EQ4 of the South Somerset District Local Plan.

10. Potential resting places for reptiles were found on site in the form of log piles and other material, as such:

- Any features, such as the spoil pile on the western edge of the site, which potentially afford resting places for reptiles and/or amphibians will be dismantled by hand, piles should be removed from the site in phases; beginning from the centre of the pile moving slowly

outwards to give any protected species present time to disperse away and to avoid being isolated from ecological corridors that will provide a means of escape.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

11. Prior to the commencement of development a landscape plan shall be submitted to and approved by the LPA (and discharged through reviewing photographs of installed enhancements):
- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site;
 - All new planting must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The planting must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native;
 - Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech;
 - At least four integrated bee bricks (<https://www.nhbs.com/bee-brick>) must be built into the external wall space of the new buildings. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes.
 - A precautionary approach to the formation of the visibility splay and site access points is recommended. A Method Statement to minimise potential impact on wildlife when removing the roadside ditch and hedgerow section must be produced to inform and manage such works. The resulting method statement should be sent to South Somerset District Council prior to the commencement of works on site.
 - To enhance the local provision for bat roost sites at least four bat roost boxes, tubes or shelters must be installed on the new residences.
 - To compensate for the loss of potential nest sites at least 4 hole fronted bird nest boxes should be provided within the development.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

12. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accord with the agreed details.

Reason: To ensure no groundwater enters the foul water drainage system within the site and in accordance with Policy EQ2 of the South Somerset District Local Plan.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email

cil@southsomerset.gov.uk.

02. Somerset County Council advises:

Filling of Existing Watercourses

In 2010 Somerset County Council became the Lead Local Flood Authority (LLFA). In the same year the Flood and Water Management Team (FWMT) was formed to satisfy the duties of the Flood and Water Management Act 2010.

Under section 23 of the Land Drainage Act there is a requirement to seek consent from the Flood Risk Management Authorities when culverting or obstructing a watercourse, whether permanent or temporary.

Failure to obtain a Land Drainage Consent prior to carrying out the works may result in a fine up to £5,000, and a further fine of up to £40 for every day thereafter until consent is granted.

It is important to note that under no circumstances will retrospective consent be given for unconsented works. If unconsented drainage works have occurred, the developer will be responsible for restoring the watercourse to its original condition.

Land Drainage consent forms can be downloaded from: www.somerset.gov.uk/consent .

For further information regarding the application form please contact Didier Lebrun from the flood risk management team on 01823 356692 or email: JLebrun@somerset.gov.uk
