

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

<b>Proposal :</b>	Outline application for the erection of 120 dwellings together with associated infrastructure.
<b>Site Address:</b>	Land OS 0002 South Of Coat Road, Martock.
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Louise Clarke, Cllr Neil Bloomfield
<b>Recommending Case Officer:</b>	Colin Begeman
<b>Target date :</b>	16th December 2019
<b>Applicant :</b>	Barratt Homes
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Major Dwlg's 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.

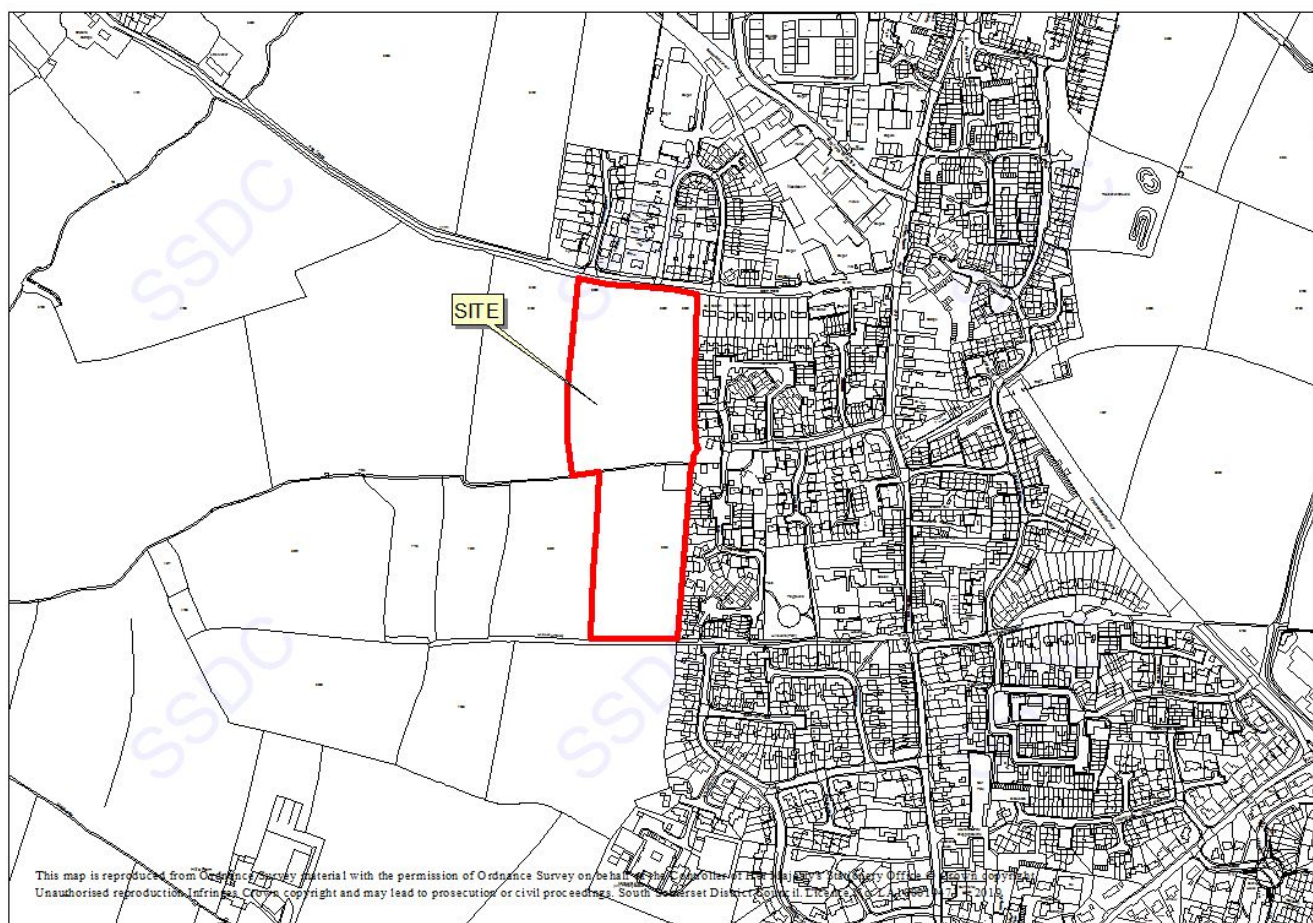
A meeting was held with the applicant, planning officers, the Ward Members, Vice Chair of Area North Committee and a representative of the Parish Council. The meeting was held to explore if there were any areas that the applicant could make to the proposed scheme to assist in alleviating the concerns 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.

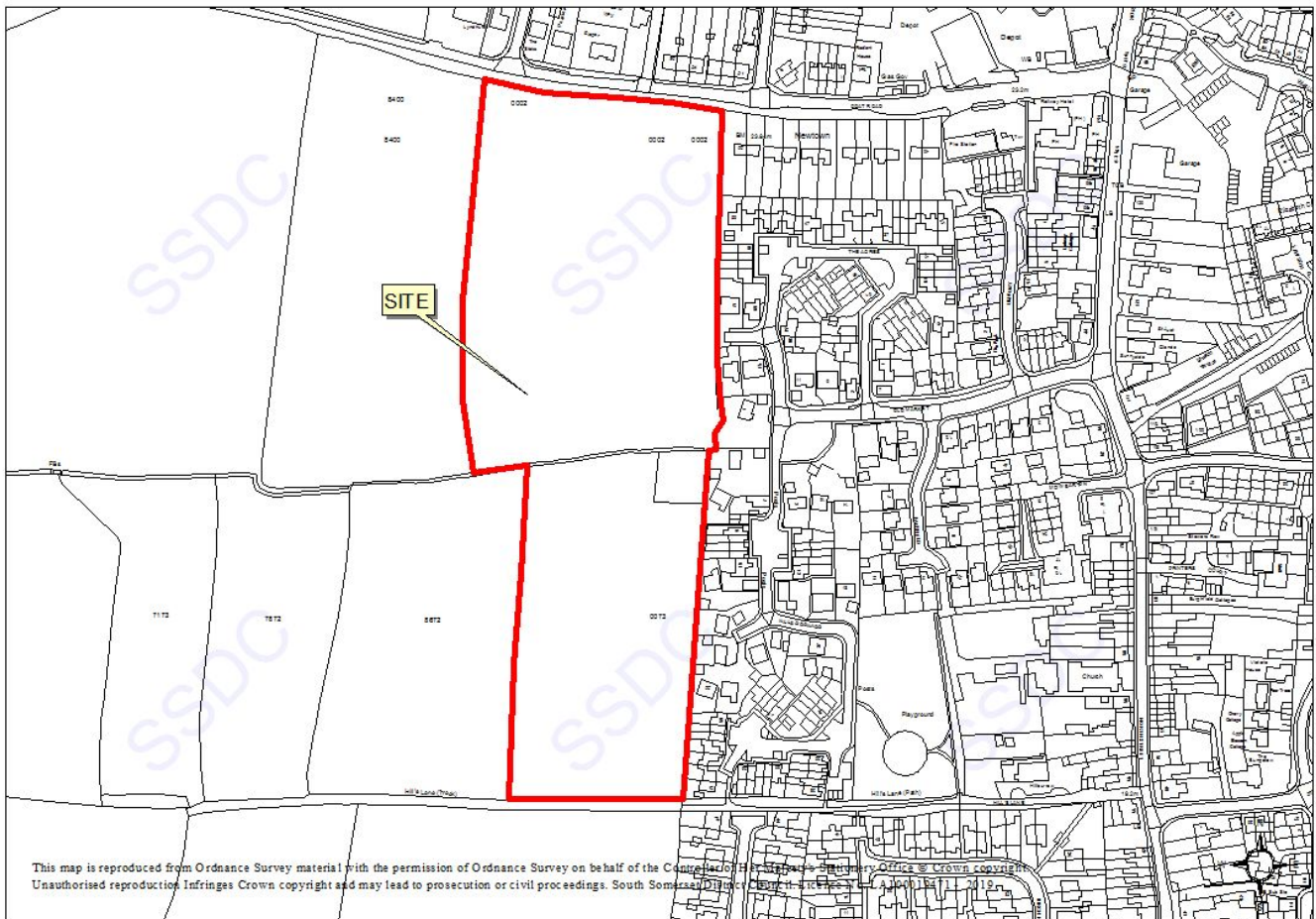
Barratt Homes have submitted two planning applications. One application in full 19/02656/FUL which is identical to the previous application and one application is in outline 19/02646/OUT with only access to be considered.

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:

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

$11 \times 17,074 = £187,814$  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 CO<sub>2</sub>. By utilizing both fabric and PV the carbon emissions for the site have been reduced to 145,802 kg CO<sub>2</sub>, 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-EclA-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](mailto: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](mailto: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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