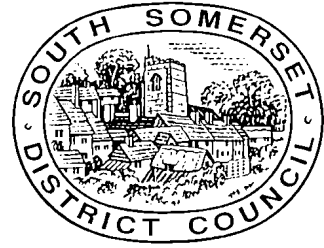


South Somerset District Council

Notice of Meeting



Regulation Committee

Making a difference where it counts

Tuesday 17th April 2018

10.00 am

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

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



The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher, Case Services Officer (Support Services) - 01935 462011**, website: www.southsomerset.gov.uk

This Agenda was issued on Friday 6th April 2018.

Alex Parmley, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

Regulation Committee Membership

The following members are requested to attend the meeting:

Chairman: Peter Gubbins
Vice-chairman: Angie Singleton

Clare Aparicio Paul
Mike Best
Neil Bloomfield
Tony Capozzoli

Sarah Dyke
Graham Oakes
David Recardo
Sylvia Seal

Gina Seaton
Martin Wale
Nick Weeks
Colin Winder

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Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

Public Question Time

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

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

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

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

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Recording and photography at council meetings

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

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

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

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

Regulation Committee

Tuesday 17 April 2018

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 20 March 2018.

2. Apologies for Absence

3. Declarations of Interest

4. Public Question Time

5. Planning Application 17/04381/FUL - Land Rear of Beaufort Gardens, West End Close, South Petherton. (Pages 6 - 22)

6. Date of Next Meeting

The next scheduled meeting of the Regulation Committee is on Tuesday 15 May 2018 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5

Officer Report On Planning Application: 17/04381/FUL

Proposal :	The erection of 34 No. dwellings and associated works including access, parking and landscaping
Site Address:	Land Rear Of Beaufort Gardens, West End Close, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	14th February 2018
Applicant :	Stonewater
Agent: (no agent if blank)	Boon Brown Planning, Motivo, Alvington, Yeovil BA20 2FG
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE:

The Area North Committee considered the following report on the 28th of March 2018 and resolved to defer the application, minded to refuse for the following reasons:

1. Skewing the settlement hierarchy
2. Unsustainable location because of gradient up to the site.
3. Detrimental impact on residential amenity
4. Harmful to highway safety due to overdevelopment

At the request of Councillor Bloomfield the following additional appeal decisions are noted:

Lavers Oak, Martock- 15/00446/OUT 91 dwellings- refused on appeal (Harm to landscape character, 50% over LP housing number)

Ringwell Hill, Bower Hinton- 14/04723/FUL 49 dwellings- refused on appeal (Unsustainable location- more than 2000 metres from village centre, 32 or 40% over LP housing number)

AREA NORTH COMMITTEE REPORT:

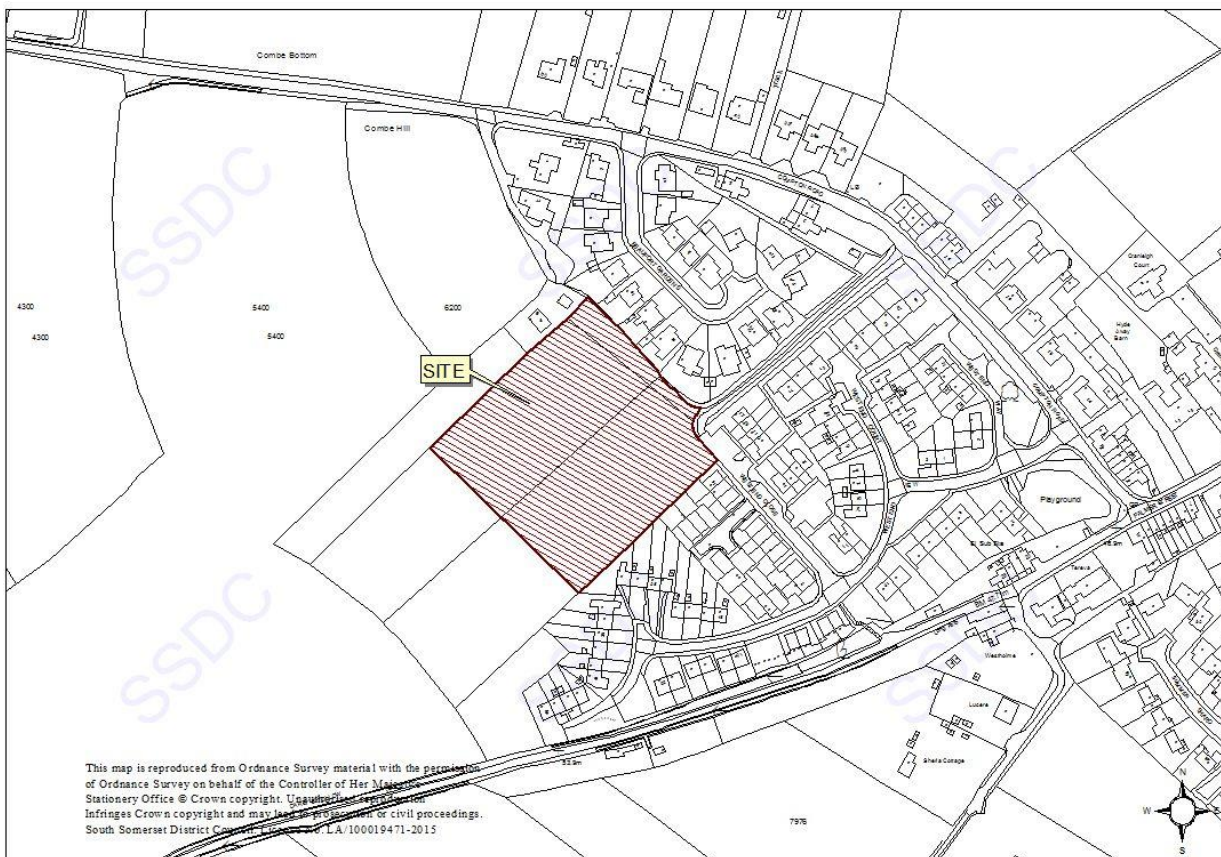
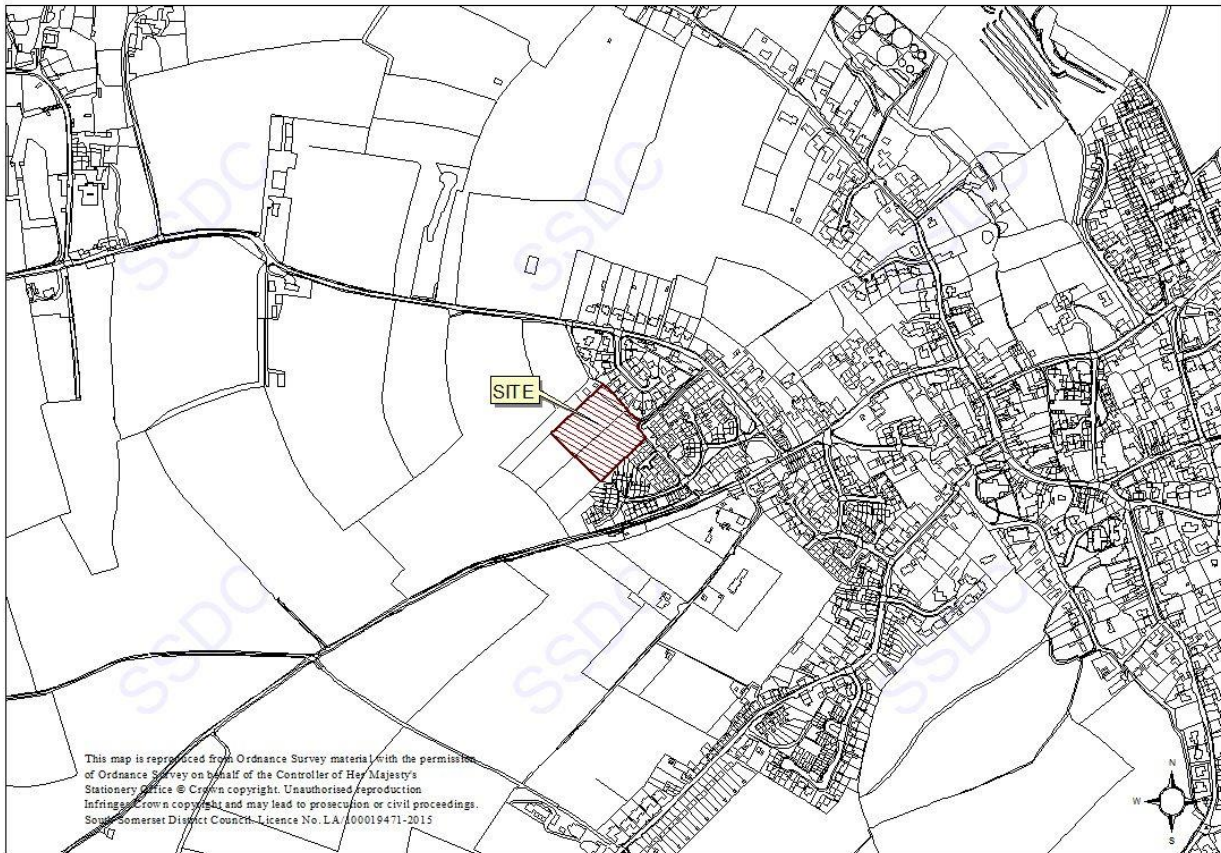
REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to committee to allow discussion of the issues raised by members of the public such as the highway impacts of the proposal.

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

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

SITE DESCRIPTION AND PROPOSAL



The proposed site forms part of an agricultural field of approximately 0.88 hectares located on the south western edge of South Petherton. The site is currently accessed via West End View, a cul-de-sac which leads onto West End Close and then onto Compton Road. Ground levels rise slightly towards the west of the site. The site is bound by existing residential development to the North West, North East and South East boundaries. These boundaries consist of a mixture of hedge, shrubs, trees and domestic fencing. The character of surrounding residential development is mixed with a mixture of single and two storey post war suburban development.

The application is made by Stonewater Ltd, a registered affordable housing provider. It is anticipated that Stonewater will provide the majority or all of the proposed dwellings as 'affordable housing' across a range of tenures. In accordance with Council policy 35% of the units will be secured as affordable housing through a Section 106 legal agreement.

The application proposes 34 dwellings comprising two and single storey flats and dwellings. The dwellings would comprise semi-detached and terraced units. The accommodation provided would consist of 2 one bed flats, 17 two bed dwellings and 15 three bed dwellings. The S.106 agreement would secure 1 one bedroom flat, 6 two bedroom houses and 4 three bedroom houses as affordable units.

The application is supported by:

- Planning Statement
- Design & Access Statement
- Statement of Community Involvement
- Transport Statement
- Travel Plan Statement
- Surface Water Drainage Strategy
- Ecology Report
- Tree Report
- CIL Information Form

HISTORY

None relevant

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)

South Somerset Local Plan 2006-2028:

SD1 - Sustainable Development

SS1 - Settlement Strategy (Crewkerne is designated a Primary Market Town)

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

SS7 - Phasing of Previously Developed Land
HG2 - The use of Previously Developed Land (PDL) for New Housing Development
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
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ7 - Pollution Control
EQ5 - Green Infrastructure

{b National Planning Policy Framework}
Core Planning Principles - Paragraph 17
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Climate Change
Conserving and Enhancing the Historic Environment
Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. The full responses are available on the public planning file.

South Petherton Parish Council:

Do not support the application because of the access and parking issues.

County Highway Authority:

Second response:

I refer to the above-mentioned planning application originally received in November 2017 and after my

initial response, have the following observations on the highway and transportation aspects of this proposal:-

Originally the Highway Authority had concerns with the ability for the applicant to provide a pedestrian link that would enable pedestrians to move to and from the proposal. The applicant has addressed these concerns and the Highway Authority.

The applicant should be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This will include any private roads/lanes that serve more than 2 dwellings.

The average dwelling generates approximately 6-8 vehicle movements per day and this site would therefore generate approximately 272 vehicle movements per day based on the higher figure. From my original onsite observations, the Highway Authority would not raise an objection to this aspect of the planning application.

When looking at the estate road aspect of the planning application, the proposal is broadly acceptable. The turning heads appear to be in line with the 'Estate Roads in Somerset - design guidance notes' and the applicant has provided a 2.0 metre margin at the end of the tuning head and a 1.0 metre margin around the proposed adopted estate road. The applicant should be made aware that during the detailed design stage, further information such as vehicle tracking of the largest vehicle that is likely to access the site (an 11.4m 4axle refuse lorry) the forward visibility splays and planting details would need to be provided, at a scale of 1:200.

Any tandem parking spaces should be 10.5metres in length to prevent any ambiguous parking lengths which could mean vehicles overhanging the footway. This may force pedestrians to walk on the highway which would represent a highway safety concern.

The parking spaces must be in line with the Somerset Parking Strategy (SPS). South Petherton is in Zone B of the SPS which means that for a 1 bedroomed dwelling 1.5 spaces would need to be provided, for a 2 bedroomed dwelling 2 spaces, for a 3 bedroomed dwelling 2.5 spaces and for 4 bedroomed dwellings 3 spaces. When looking at drawing number 3776-BBA-SP-00-DR-A-101 Revision A it would appear that the parking levels are broadly in line with the SPS.

The SPS also sets out the bicycle parking and provision should be made to allow for one bicycle per bedroom. This can be in a garage, the dimensions are laid out in the SPS, or a shed in the garden that would need separate access (rather than through a dwelling) to the highway.

The applicant should be made aware that should there be any structures (i.e. retaining walls, steps, culverts) that are within or in close proximity (3.7m) to the proposed Highway, these would need to be assessed by our Structures Engineer. Please supply details at the earliest stage to avoid issues further down the line.

The applicant has provided a Travel Plan that is broadly acceptable and the Travel Plan would need to be secured within a suitable legal agreement. There are some areas within the Travel Plan that would need to be amended to be suitable, but are not limited to:

- The Travel Plan does not include a Travel Plan Fee and for a development of this size, the fee is £750 plus VAT.
- The Travel Plan would need to make mention of being secured within a S106 legal agreement.
- A Travel Plan co-ordinator has been identified within the Travel Plan and it must give a commitment to getting the TPC qualified further to training provided by ACT Travelwise. The TPC should be given a budget to implement TP initiatives.

The applicant has provided drainage details and should note that whilst the principal of on-line attenuation under the prospective adopted road is accepted, as any such attenuation will form a structure under the road the highway authority will need to approve the structural design of the attenuation pipes or culverts.

The proposal to leave the shared surface roads in private ownership to facilitate the use of permeable paving is noted and accepted. It is important to note however that these shared surface roads will be subject to the Advance Payments Code and will need to be constructed to a standard approved by the highway authority. The designer will need to give careful consideration to the construction detail at the interface between the permeable paving and the prospective adopted roads.

The Highway Authority does not wish to raise an objection to the planning application, subject to the Travel Plan being secured within a suitable legal agreement and the following conditions (7 conditions proposed).

First response:

The planning application is to construct 34 dwellings at land rear of Beaufort Gardens in South Petherton. The proposed access to the site is located at the end of West End View which is an unclassified road with a 30mph speed limit in place.

When looking at the planning application, it is apparent that the adjoining footway is not currently adopted. This proposal would need to ensure the safe movement of pedestrians to and from the site which cannot be currently achieved as the footway has not yet been adopted and therefore does not form part of the public highway. This would have severe implications on the pedestrian movements to and from the site as it is potentially not possible for any pedestrians to use the existing footway without being forced to walk in the carriageway which would represent a highway safety concern.

The applicant will need to ensure that further clarification is given to the Highway Authority to alleviate concerns of pedestrian movements walking into the carriageway. This would represent a severe highway safety concern and should this not be forthcoming then the Highway Authority will have no alternative other than to recommend refusal due to lack of information.

Police Crime Prevention Design Advisor:

- Concerns over the long parking court behind units 17 to 19. There is no natural surveillance potential leaving the parked cars vulnerable. Please attempt to bring the parking to the front of the units as it is for units 13 to 16
- If the alleyway adjacent to unit 17 is retained please ensure that it is gated at each end
- Please bring the garden gate of unit 13 to the front elevation to remove this alleyway

County Archaeology:

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

SSDC Housing:

34 units would equate to 12 units - 10 for affordable rent and 2 for other intermediate products - or as agreed with the District Council Housing Officer.

2 x 1bf, 3 x 2bh, 3 x 3bh, 4 x 2bb

SSDC Community, Health and Leisure:

A contribution of £23,746 (£1,583 per dwelling) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

- £32,495 towards local facilities.

- £17,661 as a commuted sum towards local play and youth facilities.
- £0.00 towards strategic facilities
- £235 as the Community, Health and Leisure Service administration fee.

Total of £50,156 including an administration fee of £502.00

It is recommended that the full contribution (£50,156) is required upon occupation of the first 25% of the proposed dwellings.

Climate Change Officer:

It is very likely that future residents will want to install photovoltaic (PV) arrays roof space in the near future because prices as of January 2017, when levelised over 20 years, provide electricity at less than 5p/kWh without subsidy. Prices are expected to fall still further, making PV a very attractive proposition, especially when combined with battery storage to time shift PV generated electricity to the evening.

All of the dwellings are sufficiently well solar orientated with uncluttered roof space to enable efficient installation of PV

Prioritising street scene above unshaded garden space has resulted in around 25% of the dwelling having the majority of the garden shaded for the majority of the day. This could be improved with minor alteration to the positioning of some dwellings. Justification for a site layout that minimises energy consumption can be made using NPPF para 96 and our SSSDC Local Plan Policy EQ1.

SSDC Ecologist:

I agree with the conclusion of the Preliminary Ecological Appraisal (Greenwood Ecology, September 2017) that the site is of limited ecological value. I support the proposed wildlife corridor (of existing and new hedgerow) around the perimeter of the site. Recommendations 5.19 - 5.22 cover the wildlife corridor planting. This could be covered in more detail through a landscape planting condition.

Some low significance potential impacts on protected species are possible. I recommend a condition requiring implementation of the recommended mitigation measures in section 5 of the report. These include measures for reptiles (5.7-5.9), nesting birds (5.12), and badgers (5.25). I also recommend enhancement measures should be required, e.g. as per recommendations 5.27 - 5.28.

Wessex Water:

Final response:

I can confirm that our networks team have agreed that the 90mm main can stay in-situ providing it remains a minimum of 1.5m away from any footings, if for any reason once on site it is proven to be closer than this then a diversion will be insisted on; please note that no connections for new mains will be able to take place until this matter has then been resolved.

They also have no objection to the proposed planting.

I hope that this helps and resolves any issues.

Sewerage infrastructure

Foul and surface water must be drained separately from the site. Developer should visit our website for guidance <http://www.wessexwater.co.uk/Sewer-adoptions/> and see Wessex Water's guidance notes 'DEV011G - Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'

Foul Drainage

- Connection to the public sewer can be agreed and the applicant will need to install an off-site sewer to connect to the existing foul network.
- Point of connection to the public network is by application and agreement with Wessex Water and the developer should submit a capacity enquiry the Wessex Water planning liaison team to

determine the nearest point of adequacy.

- Wessex Water will adopt sewers through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. For further information the developer should contact development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction.

Surface Water Drainage

- Surface water must be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines. A surface water connection to existing public surface water sewers will only be considered where discharges to local land drainage systems are proven to be unviable.
- A connection to the public surface water system would be subject to an agreed restricted discharge rate with supporting flood risk measures agreed in advance with Wessex Water and the LLFA.
- Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system. Surface Water connections to the public foul sewer network will not be permitted.

Water Infrastructure

There is a 90mm water main running along the south eastern boundary of this site with the approximate positions being marked on the attached record. There must be no building or structure within 3 metres either side of the water main. Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access to this public apparatus for the purposes of maintenance and repair. The developer should accurately locate and plot the line of this main on site and on deposited plans to ensure that proposed buildings are located outside of the easement band. Any landscape proposals should ensure no trees are planted within 6 metres of the water main.

A water supply can be made available from the existing network with new water mains installed under a requisition arrangement. The water supply may require network reinforcement which will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information.

www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections.

Lead Local Flood Authority (County Council Drainage):

No objection subject to a drainage condition.

SSDC Landscape Architect:

I would initially point you toward the peripheral landscape study (PLS) of South Petherton, which was undertaken in June 2008, with the objective of identifying land that has a capacity for development, looking both at the character of the settlement's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation, I can refer you to <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>. The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the area of land that is the subject of this application to be evaluated as having a moderate capacity to accommodate built development, which is a grading that neither favours nor tells against development. However, I have since reviewed the site to consider it in greater detail, and having observed both the clear correspondence with existing residential form along West End Close/Hilltop Terrace to the southeast, and Beaufort gardens to the northeast, and the site's restrained visual profile, my initial view is that the site is capable of accommodating development, assuming the need for further housing within the settlement is accepted by local plan policy.

Turning to the application documents, the intention is to develop the northeast half of the field for housing, setting the residential area within the existing hedgerow boundaries where present, and

creating a new hedged boundary to contain its extent toward the southwest. This places the proposed housing in a clear and credible relationship with the existing housing pattern, whilst the hedge draws a line on development extent. A 3 metre corridor allied to the hedging is suggested, to enable the continued management of the existing hedges, and establishment and maintenance of the new boundary hedge. The housing layout indicates access from West End Close, and an ordered residential arrangement. I have no issue with these proposals, hence should you be minded to approve this application, please condition a detailed landscape proposal, to be submitted pre-commencement.

Tree Officer:

The hedgerow trees located around the peripheries of this site are early-mature and ought to have no problems adapting to some of the proposed minor encroachments of their radial Root Protection Area designations.

The future growth-potential of the young retained Poplar (T2) adjoining Plot 29 may become rather over-dominating in the future. However, it is a single tree, rather than a component within a line of trees; so its potential future impact ought to be manageable.

If a consent is granted, I'd be grateful if you could consider imposing the following:

Tree and Hedgerow Protection Condition: Prior to commencement of this planning permission, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures, including protective fencing and signage; shall be installed and made ready for inspection. The locations and suitability of the tree protection measures shall be inspected by a representative of the Council (to arrange, please call 01935 462670) and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing/signage may only be moved 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 and hedgerows) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Somerset Waste Partnership:

No objections

Somerset County Education:

There is minimal capacity locally, this application would absorb the capacity available. Whilst this application in itself does not trigger contributions, if successful any further applications in this locality would do.

REPRESENTATIONS

Following consultation, 23 letters of representation have been received: 12 in support, 10 objecting and 1 making general observations on the development. In addition a representation from Somerset Wildlife Trust has been received making comments on the application. In addition a representation has been received from Persimmon Homes objecting to the proposal.

Comments in support:

- Construction standards will be better than the recently built development by Persimmon Homes.
- Village needs affordable housing for local people. House prices in South Petherton are some of the highest in Somerset.
- Encourage younger people and families to stay within the village.

- Well related to the village centre and the A303.
- Support the findings of the ecological report, including the proposed enhancements.
- It is requested that internal site boundaries are constructed to allow passage of small mammals through the site.

The objections make the following comments:

- The proposal will block my view/light
- Loss of countryside
- Loss of privacy
- Danger to highway safety for pedestrians and drivers
- Congestion from additional vehicular movements and parked cars.
- Local services such as school and GP are at capacity.
- Adverse impact of construction traffic
- The site may be a habitat for slowworms
- The site may be subject to a restricted covenant.
- Refuse trucks only allowed on the adopted roads.
- Site on the periphery of the village
- Site not within the Strategic Housing Land Availability Assessment or the 'Preferred Issues and Options' Council policy document which is currently at consultation stage. New Local Plan Policy should therefore be established prior to granting development of this size.
- Application does not mention the emerging South Petherton Neighbourhood Plan

CONSIDERATIONS

Principle of Development

The Council currently cannot demonstrate a 5 year land supply. Accordingly, Paragraph 14 of the National Planning Policy Framework is engaged. For decision making, this states that:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: 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; or specific policies in this Framework indicate development should be restricted”.

A recent Supreme Court judgement (Suffolk Coastal vs Hopkins Homes and Richborough Estates v Cheshire East vs Richborough Estates. (2017) has clarified how to approach the above exercise in decision taking and refers to the ‘tilted balance’ in favour of granting planning permission. It clarifies that whilst the development plan remains in force, the focus shifts onto other material considerations which will be considered in accordance with paragraph 14 above.

Secondly, whilst the housing supply policies are to be considered out of date for the, planning weight may still be given to other policies in the development plan. This tilted balance test is a matter of planning judgement and the weight to be given to remaining local development plan policies is a matter for the decision maker.

The Local Plan identifies South Petherton as a Rural Centre and as such has been identified as a sustainable location for growth. Policy SS5 sets a strategic housing target of 229 dwellings that has been proposed over the plan period (2006-2028). An assessment conducted in March 2017 found that 232 were complete and a total of 28 with planning permission (total 260). There is another application at Lampreys Lane for 15 dwellings and the issue of the permission is awaiting completion of a legal agreement. This approval would take the potential deliverable number to 275. If that site is delivered, this figure would increase to 309. This is 35% above the Local Plan target.

In considering the increase comprised within this application, it should be noted that the housing figure

of 229 dwellings is a target, 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 and that the increase would not place South Petherton within a higher tier in the settlement strategy (policy SS1). Notwithstanding this, it is nevertheless accepted that the increase to 35% over the target is significant, and this view of significance is supported by appeal decisions in Martock. In one decision (reference 14/04723/FUL) the inspector commented:

Given the above I conclude that the overprovision of housing that would occur, whether at 40% or 32%, would go well beyond the broad level of housing envisaged for Bower Hinton/Martock. As such it would constitute a substantial failure to accord with the settlement strategy for South Somerset set out in LP Policies SS1, SS4 and SS5 and would harmfully undermine that strategy” (para 14).

In the above case, the Inspector went on to consider the planning balance of the other relevant material considerations. Of significance these included the general sustainability of the site. In this regard it was considered that the site was a significant distance from the centre of Martock and not in a sustainable location, thus conflicting with the aims of the settlement strategy (Policy SS1) which aims to strive for self- containment and contrary to Policy EQ2- General Development.

In conclusion, the Inspector stated:

“To set against the benefits of the proposal I place substantial weight on the conflict with the Council’s settlement strategy and the unsustainable location of the site. And it is this ultimately that I find decisive” (para 54).

In contrast to the above case, notwithstanding the increase in numbers of 35% over the target, there are no other material considerations that weigh against the proposal and there are no objections from infrastructure providers to the application. In applying the tilted balance in favour of granting permission, given the assessment of the material considerations which are set out in more detail below, it is considered that the increase over the housing target of 35% is not sufficient to warrant refusal.

Concerns have been expressed by another developer that granting permission in advance of the Local Plan Review process would be premature. An objection is also made on the basis that the applicant hasn't had regard to the emerging South Petherton Neighbourhood Plan. The Neighbourhood Plan is at a very early stage in adoption and therefore cannot be given any weight in the decision making process. The Council has recently consulted on the Local Plan review at the 'Issues and Options Stage'. This is to consider where growth may take place within South Petherton in the next Local Plan period (2014-2032). This is a very early stage in the process and objection on the grounds of prematurity against the future Local Plan would not be valid. Such an objection would be contrary to very clear government guidance and would be contrary to the overall assessment set out above against the adopted Local Plan and the national planning guidance in the NPPF.

Character and appearance

The Councils landscape Officer has been consulted and has concluded that the site has a clear correspondence with existing residential form along West End Close/Hilltop Terrace to the southeast, and Beaufort gardens to the northeast and also notes the site’s restrained visual profile. The Landscape Officer further concludes that the details of the scheme would be appropriate within this context and that a landscape scheme should be secured via a planning condition.

Having regard to the above it is considered that the proposal would fit appropriately into its surroundings. The density and layout of the scheme would be acceptable. The elevations show a slightly contemporary appearance with a mixture of red and grey bricks. It is considered that the introduction of a lighter brick tone, for example in place of some/all of the grey would be more appropriate to its context. This detail can be secured via a planning condition.

Concerns were raised by the Police Crime Prevention Design Advisor in relation to the long parking

court on the originally submitted plans. In response the applicant has removed this feature from the scheme. Accordingly it is considered that the scheme is acceptable in relation to designing out crime. Subject to conditions it is considered that the proposal would have an acceptable impact on the character and appearance of the area and would therefore accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Highway Safety

The application is supported by a Transport Statement and Travel Plan Statement. These have been assessed by the County Highway Authority who do not object to the application in relation to the traffic impact which includes considerations such as the number of vehicles generated, access and parking. The Highway Authority consider that various conditions are necessary including details of the technical design/construction of the highways, drainage, access details and gradients. It is also recommended that a Construction Environmental Plan is conditioned which will seek to address the impact of the development during the construction phase. Such plans are required to show routes for construction traffic; hours of work and deliveries; and dust control etc.

The Highway Authority initially had concerns over the feasibility of achieving a pedestrian link into the existing pavement in West End Close because of an obstruction caused by an existing timber fence that forms the side boundary of No. 24 West End Close and crosses the end of the pavement. It appears that the fence encroaches onto land outside the ownership of this dwelling and over land that is included within the Section 38 road adoption agreement. It is understood that the S.38 agreement has been signed by the relevant parties and the final adoption by the County Council is highly likely. Upon adoption of the highway, the enforcement of the removal of this section of the fence would become the responsibility of the Highway Authority. However, given the importance of having a footway linking into the site it is considered appropriate to include a Grampian condition to secure the removal of the fence prior to the commencement of construction on site.

The applicant has proposed a travel plan that will secure various measures in order to encourage sustainable modes of transport. These include green travel vouchers to be issued to each householder. The travel plan proposes that these will be issued by the developer to each householder to be spent on items such as public transport tickets, purchasing a bicycle, cycling equipment or walking equipment. The voucher scheme will be administered by the developer. Having regard to the relatively small scale of the development, the range of measures proposed and that this is a 'travel plan statement' as opposed to a full travel plan it is considered appropriate for the travel plan to be secured via a planning condition. Subject to the above conditions it is considered that the proposal is appropriate in relation to highway safety and accord with policy TA5 of the South Somerset Local Plan (2006-2028).

Residential Amenity

The impact on existing residents in terms of overlooking, overshadowing and general noise and disturbance is considered to be acceptable. The dwellings along the North Eastern boundary are single storey and therefore there would be relatively minimal impact on dwellings within Beaufort gardens. Plots 29-34 along the South Eastern boundary are sited and orientated in such a way that acceptable distances to private garden areas and facing windows of dwellings in West End Close and West End View are maintained.

There would be some short term impacts during construction. In this regard it is considered appropriate to try and reduce these impacts via a Construction and Environmental Management Plan (CEMP) to cover work hours, vehicle movements, parking, etc.

Having regard to the above, it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Planning Obligations

Sports and Leisure-

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £50,657.00 (£1,490 per dwelling). It is considered that these contributions are necessary in planning terms to mitigate the impact of the development. Subject to the above contributions being secured through a S.106 legal agreement it is considered that the proposal would comply with Policies HW1 and SS6 of the South Somerset Local Plan (2006-2028).

Affordable housing-

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy. This would be a total of 12 units comprising 10 for social rent and 2 dwellings of intermediate tenure comprising 1 one bedroom flat, 6 two bedroom houses and 4 three bedroom houses as affordable units.

In the event of more than 35% being delivered, the tenure composition of the 35% secured by the S.106 would be subject to the agreement of the Housing Manager.

Subject to the above being secured via a S.106 legal agreement it is considered that the proposal would comply with Policy HG3 of the South Somerset Local Plan (2006-2028).

Drainage

The County Council Local Lead Flood Authority have been consulted and do not object to the proposal subject to a condition to secure details of surface water drainage, including a scheme of maintenance for the lifetime of the development. Subject to this condition it is considered that the proposal would accord with Policy EQ1 of the South Somerset Local Plan (2006-2028).

Wessex Water

Wessex Water have not objected to the scheme and have provided a range of standard comments relating to foul and surface water drainage.

Wessex Water have noted that there is a 90mm water main running along the south eastern site boundary and initially commented that there must be no building or structure within 3 metres of this main and no trees within 6 metres. Furthermore they also stated that it is the developers responsibility to ascertain the precise position of the main to ensure that there will be no conflict with this easement.

The applicant has since confirmed that they believe that the main is located within the ecological corridor, outside the garden boundaries and no closer than 1.5 metres from the foundations of plots 33/34. Wessex Water have since confirmed that they can accept the foundations being no closer than 1.5 metres from the main. They have also made it clear that if this distance cannot be achieved or if the main would be included within any of the private garden areas, that the developer will need to divert the main and will be responsible for the financial implications of the diversion.

Ecology and trees

The applicant has submitted a preliminary ecological appraisal with the application. The Councils Ecologist has been consulted and has commented that they are in agreement with the main conclusion of the report which is that the site is of limited ecological value. The Councils Ecologist supports the proposed wildlife corridor and proposed ecological enhancements. These matters can be dealt with via a planning condition.

Wessex Water have commented that there is an easement to exclude trees within 6 metres of the main running along the south eastern boundary. Accordingly the proposed planting mix within the wildlife

corridor will be amended and this can be secured via the landscaping planning condition. The Councils Tree Officer has recommended that a tree protection condition is included within the decision to protect the retained Poplar adjoining plot 29. Tree protection measures are included within the landscaping condition. Subject to relevant conditions, it is considered that the proposal would comply with Policies

Conclusion

It is considered that the proposal makes provision for additional dwellings (including affordable housing), within South Petherton (a defined 'Rural Centre') that would contribute towards the enhancement of the sustainability of the village. It is further considered that the proposal will respect the character and appearance of the setting without causing harm to highway safety, residential amenity or ecology and wildlife. In these respects the proposal is considered represent sustainable development that accords with the aims and objectives of the NPPF and the relevant policies of the South Somerset Local Plan.

RECOMMENDATION

That application reference 17/04381/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) The agreed contribution as set out in this report towards the provision of sport and play facilities (to the satisfaction of the Local Planning Authority).
 - 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Strategic Housing Manager in the event that the scheme delivers more than 35% affordable housing.
 - 3) Securing appropriate measures for managing the ecological buffer around the site.

And

- b) The following conditions:

01. The provision of housing in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework (2012).

SUBJECT TO THE FOLLOWING:

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

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

02. Other than as required by conditions, the development hereby permitted shall be carried out in accordance with the following approved plans:
3776-BBA-SP-00-DR-A-100; SP-DR-A-102; 00-DR-A-101A; GF-DR-A-PL01; XX-DR-A-PL02;
GF-DR-A-PL03; XX-DRA-PL04; GF-DR-A-PL05; XX-DR-A-PL06; SP-DR-A-PL07;
SP-DR-A-PL08; GF-DR-A-PL09; XX-DR-A-PL10; SP-DR-A-PL11; XX-DR-A-PL12;
GM-DR-A-PL-13; XX-DR-A-PL-14; GF-DR-A-PL15; XX-DR-A-PL16; XX-DR-A-PL17;
GF-DR-A-PL18; XX-DR-A-PL19; GF-DR-A-PL20; SP-DR-A-PL21 only.

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

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

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

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the 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: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation 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. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

06. The reptile, bird and badger mitigation measures as set out within section 5.7-5.9, 5.12 and 5.25 of the submitted Preliminary Ecological Appraisal dated September 2017 shall be carried out in

accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority.

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

07. No works shall be undertaken on site unless a scheme of ecological enhancements having regard to the recommendations within section 5.27-5.28 of the submitted Preliminary Ecological Appraisal dated September 2017 shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details.

Reason: To ensure ecological enhancements in accordance with Chapter 11 of the NPPF (2012).

08. The development shall not be commenced until the section of timber fence erected on pavement adjacent to No. 24 West End Close and obstructing the forward visibility splay illustrated on plan No. 17114/001A has been removed in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To facilitate the safe access and egress from the site to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. 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 to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 3776-BBA-SP-00-DR-A-101, and shall be available for use before prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

15. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

16. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 25 metres to the south east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

17. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).