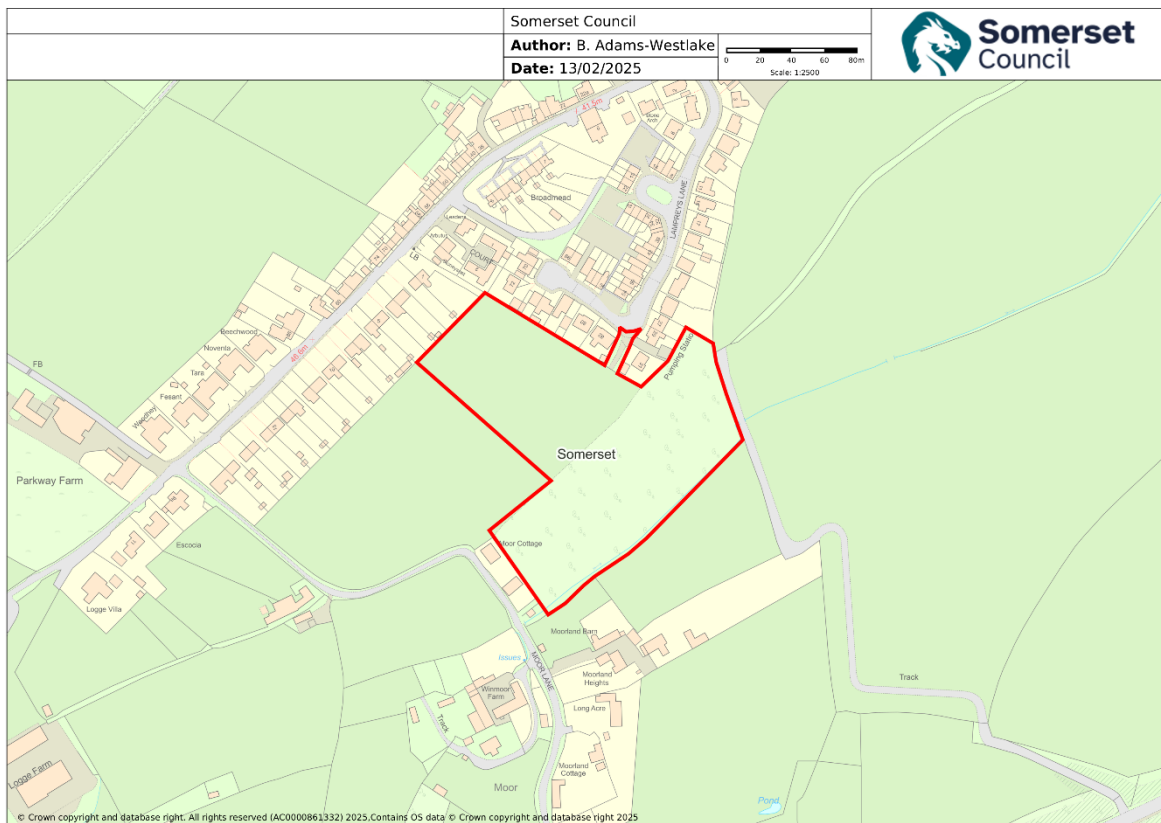


<b>Application Details</b>	
Application Reference Number:	20/01414/FUL
Application Types:	Full application
Extension of Time:	10 <sup>th</sup> May 2025
Description:	Erection of 18 dwellings with associated vehicular access, garaging, sustainable drainage, and landscaping
Site Address:	Lampreys Lane, South Petherton, Somerset
Parish:	South Petherton
Conservation Area:	n/a
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	n/a
Case Officer:	Fiona McDonnell
Agent:	GTH, Winchester House, Deane Gate Avenue, Taunton
Applicant:	Acorn Homes, Kingston House, 1 Kingston Road, Taunton
Reason for reporting application to Members:	<p>The application was referred as officer recommendation to approve is contrary to the Parish Councils objection.</p> <p>The Parish Council objection is that it considers the build materials not to be in keeping with the Neighbourhood Plan.</p>

# Location plan



## UPDATE

This item was deferred at planning committee on 25<sup>th</sup> February 2024.

6	Planning application 20/01414/FUL - Lampreys Lane, South Petherton, Somerset.
	<p><b>Resolved</b></p> <p>That planning application 20/01414/FUL Erection of 18 dwellings with associated vehicular access, garaging, sustainable drainage, and landscaping at Lampreys Lane, South Petherton, Somerset be <b>DEFERRED</b> for the following reason:</p> <p>To allow review of plot 1 in the interests of achieving high quality design and protecting residential amenity.</p> <p>Voting: 8 in favour, 5 against.</p>

The agent has since submitted amended plans, and it is now proposed that plot 1 would be occupied by a bungalow and not a 2-storey dwelling.

### Impact on the street scene

The proposed bungalow could look incongruous with all other dwellings being 2 stories. However, the fact that the bungalow is at the entrance allows it to assimilate well, with a gradual step up in height to unit 2.

### Impact on amenity

There is a separation distance of 14.5m between plot 1 and no.82 Lampreys Lane. The Planning Committee was concerned that the 2-storey nature of the dwelling would have a dominant impact at no.82. The ridge height of unit 1 is reduced from 7.6m to 5.3m, thus improving outlook for those at no.82. Potential dominance of plot 1 is also removed.

### Recommendation

Approve subject to conditions

### Summary of reason for recommendation

The revised house type at plot 1 will ensure that a good standard of amenity at no.82 Lampreys Lane is retained.

## **PREVIOUS RFEPORT (Committee February 2025)**

### **1. Recommendation**

- 1.1 Approve subject to conditions and s106 Agreement.
- 1.2 Delegated to the Head of Planning in consultation with the Area Chair (South).

### **2. Executive Summary of key reasons for recommendation**

- 2.1 The proposal seeks full planning permission for 18 dwellings and includes an area of public open space.
- 2.2 The site is adjacent to residential development at Lampreys Lane which is on the edge of the rural centre of South Petherton to the southwest.
- 2.3 South Petherton has extensive facilities and public transport routes and is considered to be a sustainable location in line with Policy SS2 of the local plan.
- 2.4 The Council does not have a 5 year housing land supply for the former area of South Somerset, meaning that paragraph 11d of the NPPF 2024 is engaged.
- 2.5 Given the need for housing; the fact that the site was proposed as an allocation in the South Somerset Local Plan Review as an acceptable site for housing; and given the sustainability of the site, the principle of development for housing in this location is considered to be acceptable.
- 2.6 The proposed development is considered to be acceptable in highway terms; in terms of ecology and phosphate provision in accordance with Regulation 63 of the Habitat Regulations; in terms of visual and landscape impacts; drainage and flood risk impacts; and impacts on residential amenity subject to the recommended conditions and s106 obligations.
- 2.7 The s106 obligations and conditions are considered to fully mitigate the impacts of the development on the local and wider community.

### **3. Planning Obligations, conditions and informatives**

#### Obligations

- 3.1 The s106 Agreement will cover the following matters:
  - 1. Construction of highways works.
  - 2. Affordable housing provision

3. Play, youth and formal open space planning obligations as follows
4. Education
5. Nutrient Neutrality

### Conditions

#### 3.2 Conditions will cover the following matters:

1. Development begun before the expiration of three years from the date of this permission;
2. In accordance with approved plans (location, house type, transport statement and travel plan);
3. Details of materials;
4. Provision of footpath;
5. Biodiversity – bats;
6. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August;
7. Biodiversity - southern area (habitat);
8. Biodiversity – clearance / habitats;
9. Biodiversity enhancement / mitigation;
10. Hard and soft landscape works;
11. Landscape management plan;
12. Package Treatment Plant prior to commencement;
13. Boundary Treatment Plan (landscape / trees);
13. Estate roads, highways and active travel;
14. Highways, footpaths and surfaces;
15. Garages and hard standing;
16. Construction Traffic Management Plan;
17. Construction vehicles and road safety;
18. Surface water (highway);

19. Electric vehicle charging point (EVCP) for each dwelling;
20. Surface water drainage; and
21. Landscaping adjacent to main river

#### Informatives

- 1) Pro-active approach to the delivery of development.
- 2) Rights of Way.
- 3) Pedestrian crossing and footpaths.
- 4) Highway works and Highway Authority right to address inadequate / inappropriate provisions.

### **4. Proposed development, Site and Surroundings**

#### Details of proposal

- 4.1 The proposal seeks full planning permission for 18 dwellings with vehicular access, garaging, sustainable drainage, and landscaping. The proposed development comprises ten (number) four-bedroom dwellings, two (number) three-bedroom dwellings, two (number) two-bedroom dwellings and four (number) one-bedroom flats. Of the 18 units proposed, six of the units would be affordable houses.
- 4.2 A total of 57 parking spaces are proposed to serve the needs of the proposed development. The proposed development would include an improved access that has previously been approved as part of the outline planning application reference 17/02709/OUT.
- 4.3 The site area to the south and southeast of the built form will be retained to provide open amenity space, drainage attenuation and biodiversity rich area.
- 4.4 Affordable housing schedule of units is as follows:
  - Unit 10 - 2 bedroom starter home
  - Unit 11 - 2 bedroom starter home
  - Unit 12 - 1 bedroom apartment
  - Unit 13 - 1 bedroom apartment
  - Unit 14 - 1 bedroom apartment
  - Unit 15 - 1 bedroom apartment
- 4.5 Originally a mix of materials were proposed with render and red brickwork with contrasting detailing proposed on the walls and roof coverings to be a mix of

slate and double Roman roof tiles. However, after the Parish council initially objected (16.06.2020) that proposed materials were contrary to the neighbourhood plan, the applicant has forwarded amended plans uploaded to the planning portal on 16.02.2023 indicating the following materials schedule.

HOUSE TYPE	UNIT NUMBER	Wall Material
A attached garage	6, 7 16, 17, 18	Multi coloured brick
A detached garage	5	Multi coloured brick
B single garage	3, 4, 9	Natural stone
B double garage	8	Natural stone
C	1, 2.	Red brick
D	10, 11.	Natural stone front, rendered rear
E	12, 13, 14, 15.	Natural stone front rendered rear

- 4.6 The applicant has requested removal of any reference to materials from the plans and that materials are secured by way of condition.

#### Site and surroundings

- 4.7 The application site comprises a parcel of land, previously used for agriculture, totalling an area of 1.926 hectares.
- 4.8 The site is located towards the south-western outskirts of South Petherton.
- 4.9 The site is bounded by existing houses along the north and eastern boundaries, with agricultural land to the west and south.
- 4.10 The topography of the site slopes gently down south-eastwards. The trees and hedgerows along neighbouring boundaries will not be affected by the proposed development.
- 4.11 The site is served by an existing vehicular access off Lampreys Lane. There are two Public Rights of Way from West Street along the back of the residential properties of Lampreys Lane (Ref: Y24/40), and along the eastern side (Ref: Y24/41), which are accommodated within the proposals.

#### **5. Relevant Planning History**

Reference	Description	Comments
17/02709/OUT	Outline application for residential development, provision of open space and formation of vehicular access	Approved 29 <sup>th</sup> March 2018 – establishing the principle of residential development at this location Provision of 15 units was considered to be acceptable.

21/00265/REM	Reserved Matters application following outline approval 17/02709/OUT seeking consent for the appearance, landscaping, layout and scale	No decision yet.
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## 6. Habitat Regulations Assessment

- 6.1 The application site is located within the Somerset Levels and Moors Ramsar Site catchment area, which has suffered significant harm as a result of phosphate loadings. The proposal is supported by a Nutrient Neutrality Assessment and Mitigation Strategy that explains the surface water shall be treated by a series of specifically designed Sustainable Drainage System (SuDS) components that maximise phosphorous removal thus achieving nutrient neutrality.
- 6.2 Foul water shall be discharged to an on-site Package Treatment Plant managed by Albion Water. A Habitat Regulations Assessment (HRA) has been undertaken and both Natural England (NE) and Somerset Ecology Services (SES) are content that with mitigation the proposed development will achieve nutrient neutrality.

## 7. Consultation and Representations

- 7.1 Statutory consultees (the submitted comments are available in full on the Council's website).

### Consultees

Consultees	Consultee Comments (and Officer Comment)
Highway Authority	No objection subject to conditions
Rights of Way officer	No objection subject to condition and informative
LLFA	No objection
SES phosphates	No objection subject to conditions to secure phosphate mitigation
SES ecology	No objection subject to conditions for biodiversity enhancement.
NE	No objection subject to securing proposed phosphate mitigation.
Environment Agency	Whilst there is no mapped flood zone there may be an unmapped floodplain associated with the watercourse; therefore we request that there is no raising of ground levels within 8 metres of the



	main river. No objection and recommends a condition and informative
Play, youth and formal open space officer	Local assessments of equipped play, youth facilities and changing rooms have been found inadequate to accommodate the additional demands placed on them by this development and concluded that contributions should be made for provision and maintenance of these facilities. A financial contribution is required, and it will be secured by way of a s106.
Strategic Housing	Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 6 (rounded down from 6.3) units based on a development of 18 dwellings. These would be split as 5 for social rent and 1 for shared ownership or other intermediate affordable solution. The housing officer put forward preferred housing mix and minimum floor space requirements and confirms affordable housing will be secured by a s106 agreement.
County education officer	There is a lack of capacity in the early years setting and junior school in this location. SCC requires education contributions to ensure that any expansions can be made to accommodate the children from this development. Contributions to be agreed in a s106 document.
Somerset waste partnership	No response
Crime prevention officer	Crime prevention raised concern regarding narrowing the width of the PROW and also commented regarding lack of detail of boundary treatment. The PROW has since been amended and is now of sufficient width 3m. A detailed hard and soft landscaping plan is conditioned so effective boundary treatment will be secured by this means.
Wessex Water	No response
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.
Environmental Health	EH advised that it had no comments to make.
Landscape team	Native hedgerow of appropriate size and specification to provide appropriate boundary treatment. No explanation of why no boundary treatment to the north. Open space to south should be planned. Street scene dominated by cars. Management and maintenance of open space should be included.
South Petherton Parish Council	Objection. Building materials are not in keeping with the neighbourhood plan.

#### Local consultation and representation

- 7.2 In accordance with the Council's Adopted Statement of Community Involvement application 20/01414/FUL was publicised by letters of notification

to neighbouring properties on 27.05.2020. Site notices were displayed and a press advert placed as part of the initial consultation.

7.3 Representations of objection: 17 objections have been received making the following comments.

Narrowing of footpath Y24/40 to the rear of 82 Lampreys Lane is not acceptable (3m to be retained)
No EV charging points (condition to secure included)
Loss of privacy and outlook at 1 Moor Villas South (discussed in main body of report)
Unwanted increase in traffic (highway authority content)
No need for housing (incorrect) (2.11 years supply-we need 5 years)
reduce dwellings numbers from 18-15 (different application- each application considered on individual merits)
Stress on local amenities (s106 secures some monies for schools)
Overlooking of existing dwellings on Lampreys Lane- discussed in report
Developer will try build more house later/set precedent – (each application considered on its merits)
Consideration should be given to moving the site to the 15-20m to the northwest to allow for further tree planting and green corridors -noted
Dwellings should be of 21 <sup>st</sup> century design – (design objective and considered acceptable)
A stream in the southwest boundary is liable to flood (full surface water drainage scheme to be agreed)
Plot 1& 2 should be left empty to provide an uplifting green space to encourage wildlife -noted but no policy requirement for this)
Overlooking, loss of privacy and loss of light at 72, 80 & 82 Lampreys Lane & 1 Moors Villas Road (Discussed in report)
Landscape plan refers to 15 dwellings not 18 as proposed (Condition for further landscape plan to be submitted)
South Petherton has already fulfilled its obligation for new properties as required by government –(no policy cap on housing numbers)
Plots 1-18 will cause over shadowing and overlooking – (inaccurate)
Concerns relating to visibility when exiting driveway of. No.31 at proposed new junction (highways are not concerned)
Removal of play areas and green buffer from outline provides a lesser scheme (each scheme considered on its individual merits)
Loss of local green open space (open space provided)
Bird boxes not suitable for some birds- retain much bramble and plant trees and hedgerow (Landscape plan for public open space to be submitted)
Entrance to site too narrow (highways not concerned)
Neighbourhood plan has been ignored (materials to be conditioned)
Concerns if sewage pumping station can cope (PTP proposed to deal with foul)
No need for expensive houses for executives, need affordable housing (AFH provision included)

Letters of support

- 7.4 2 neighbours made comments in support of the application, subject to inclusion of Electric Vehicle (EV) charging points.

## **8. Relevant planning policies and Guidance**

- 8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Relevant policies of the development plan in the assessment of this application are listed below.

### Policies of the South Somerset Local Plan

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

### Other Relevant Documents

Somerset County Council Parking Standards September 2013

### Placemaking Principles for Somerset (October 2024)

- 8.3 The Council's Placemaking Principles were adopted in October 2024 following public consultation and are a material planning consideration. These principles set the Council's vision to create attractive, high quality environments that are inclusive and accessible for all.

8.4 The principles guide the Council's approach to transport and development planning, aiming to enhance the quality of life for residents by promoting active travel, reducing carbon footprints, and fostering community pride.

8.5 The 10 Principles are: -

- 1 Reduce the need to travel via private car.
- 2 Facilitate modal shift through multi-modal travel measures.
- 3 Integrate car and bicycle parking in a way that prioritises pedestrians and public realm.
- 4 Create an attractive, high-quality environment, incorporating green infrastructure into streets and public spaces.
- 5 Improve road safety for all users through street design, appropriate to the context.
- 6 Facilitate car-free school transport
- 7 Enhance accessibility and attractiveness through materials, street furniture and fixtures.
- 8 Plan lighting, waste storage/collection and other service infrastructure at an early design stage.
- 9 Provide safe connectivity within rural communities.
- 10 Engage key stakeholders early

### Neighbourhood Plans

South Petherton Neighbourhood Plan 2015 – 2028

### The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last update December 2024 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed and beautiful places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

## **9. Commentary on Development Plan**

- 9.1 The relevant local plan is the South Somerset Local Plan 2006-2028 adopted in March 2015. Policy SS1 of the Local Plan allocates South Petherton as a Rural Centre.
- 9.2 Policy SS1 sets out a total Local Plan housing requirement of 229 dwellings for South Petherton during the plan period.
- 9.3 Two consultations took place for the Local Plan Review under Regulation 18. The current application site was included as a Preferred Option for housing and employment land with public open space and access via the B3151.
- 9.4 Work on the emerging South Somerset Local Plan Review is no longer progressing due to the formation of the new Somerset Council. Limited weight can be attached to the status as an allocation, but this is a material consideration in the determination of this application.
- 9.5 The Council's Monitoring report demonstrates that the former South Somerset Council has a housing land supply equivalent of between 2.11 years and as such the titled balance of the NPPF 2024 is engaged and that the presumption in favour of sustainable development is a significant material consideration in the assessment of this application.

## **10. Local Finance Considerations**

### Community Infrastructure Levy and s106

- 10.1 This development would be liable for Community Infrastructure Levy (CIL) at £40/m<sup>2</sup> (index linked) for new build residential floor space.
- 10.2 The S106 Agreement would need to secure highways arrangements, on-site affordable housing, contributions and commuted sum toward open space and financial contributions as requested by the Education Authority.

## **11. Material Planning Considerations**

- 11.1 The main planning issues relevant in the assessment of this application are:
- The principle of development
  - Impact on Character and Appearance of the Area
  - Impact on Residential Amenity
  - Highways, Transport, Access and Parking
  - Ecology and Biodiversity, Hedgerows and Trees
  - Flood Risk, Surface Water / Foul Drainage

### Principle of Development

- 11.2 The Local Plan identifies South Petherton as a Rural Centre and as such has been identified as a sustainable location for growth.

- 11.3 A strategic housing target of 229 dwellings has been proposed over the plan period (2006-2028), of which according to the latest collated figures (August 2016), 219 were complete with an additional 28 committed (total 247).
- 11.4 In considering the contribution of this application to the Local Plan 'target', it should be noted that the housing figure of 229 dwellings is not a maximum. A permissive approach will be taken for housing proposals in the context of Policy SS5 in advance of the Somerset Local Plan.
- 11.5 The updated National Planning Policy Framework (NPPF) with a revised standard method for calculating housing need was published on 12 December 2024. As a result of this, the Council is not able to demonstrate a 5 year housing land supply in the South Somerset area. Currently the housing land supply for this area is calculated at 2.11 years. The consequences of not being able to demonstrate a five-year housing land supply are that the presumption in favour of sustainable development (often referred to as the 'tilted balance') applies. This is set out in paragraph 11d of the NPPF.
- 11.6 Paragraph 11 (d) of the NPPF states that:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- The site does not contain any of the designated areas of 'particular importance' that are specifically protected by point (i). In relation to point (ii) any adverse impacts must be weighed against the benefits of the scheme.
- 11.7 The consideration of this planning balance is tilted in favour of granting permission unless the adverse impacts 'significantly and demonstrably' outweigh the benefits.
- 11.8 This report to Committee has identified that there would be considerable benefits from granting permission, including the provision of affordable housing and formal open space.
- 11.9 With no identified significant harm and no objections from specialist consultees there are no overriding material planning identified to justify refusing permission in this case.

11.10 Specifically, the increase of housing over the 'target' housing figure is not considered to represent a refusal reason.

#### Impact on Character and Appearance of the Area

11.11 Access to the site is proposed from Lampreys Lane. An existing track will be upgraded to provide access to the development; and is an acceptable width agreed by highways authority

11.12 Three 4 bedroomed detached dwellings are situated to the south of the access. These dwellings would back onto open space, which is to be retained for its amenity value with a public right of way maintained through the site.

11.13 Green space will be landscaped and a condition will require a detailed landscaping scheme that includes details of management and maintenance of the green space.

11.14 The Council's Landscape Officer has commented that native hedgerow of appropriate size and specification would be an appropriate boundary treatment. The Officer questions why there is no explanation regarding the absence of boundary treatment to the north. The importance of landscaping at this location is noted and would be addressed through the provision of a detailed landscape plan (see Conditions 11 and 12). This matter is discussed further under the heading 'amenity', below.

11.15 On the north side of the access the 15 remaining units are neatly arranged in linear manor on 3 sides of a T shape road which is orientated to the northwest. All dwellings look toward the road.

11.16 Dwellings are two storey and of sub-urban style, similar to existing dwellings on Lampreys Lane allowing the development to easily assimilate in line with policy EQ2 of the local plan, an apartment building which is made up of 4 x 1 bedroom flats would appear as a semi-detached pair of dwellings.

11.17 It is proposed that the 4 x 1 bedroomed apartments and 2 x 2 bedroom houses are brought forward as affordable housing (total 8 bedrooms). The housing officer has confirmed that the proposed mix is acceptable. The proposed affordable dwellings arranged in a cluster to the west of the site. Affordable housing would be secured by way of s106, which will require details an affordable housing scheme including housing mix to be submitted and approve prior to commencement of development

11.18 Initially, a mix of materials was proposed - render and red brickwork with contrasting detailing on the walls and roof coverings; and a mix of slate and double Roman roof tiles. The Parish Council raised objection to the proposed materials as they were contrary to Neighbourhood plan and design statement where Ham stone or Petherton stone is preferable. The agent subsequently proposed the use of reconstituted stone for some of the detailing within the

scheme. The Parish Council considers the use of reconstituted stone to be inappropriate and uphold their objection to proposed materials.

- 11.19 The neighbourhood plan / design statement indicates that reconstructed stone should be avoided subject to supply and viability of development. The applicant / agent has suggested that the matter could be dealt with by condition and where relevant, any evidence regarding viability or lack of supply could be presented as part of that discharge of condition.
- 11.20 The applicant / agent is happy to remove reference to any materials from the plans and agree materials by condition, and where relevant, any evidence regarding viability or lack of supply could be presented as part of that discharge of condition.
- 11.21 Accordingly, a condition is proposed to secure appropriate locally sourced materials and ensure high quality development is achieved in line with policy EQ2 of the local plan and BEH1 of the neighbourhood plan and design statement.
- 11.22 The pattern of development allows the new dwellings to merge with the existing. The proposal makes efficient use of land by proposing development at a density that is commensurate with existing residential properties in close proximity of the site in line with chapter 11 of the NPPF 2024.
- 11.23 Provision is made for a large area of public open space to the south of the site to the rear of units 16, 17 & 18. Neighbours raised concerns of the loss of valuable open space, however, green character is retained to the south and west of the site; and a condition is included to ensure the area of public open space is well landscaped and properly managed and maintained.
- 11.24 The proposed development will not harm the character of the area, it is well designed and assimilates with the existing character of the area in line with policy EQ2 of the local plan and chapter of the NPPF 2024.

#### Residential Amenity - Impacts on Existing and Future Residents

- 11.25 Residential amenity is good for future residents with all units meeting nationally described space standards, private amenity space provision and private parking at an appropriate level. Public open space is retained to the south of the site for its amenity value for both future and existing residents.
- 11.26 Some existing residents have raised concerns regarding loss of privacy and overlooking of their properties.
- 11.27 Residents at no.72 raised concern with loss of privacy, however, the orientation of no.72 and unit 5 would prevent demonstrable harm of overlooking arising. 38m separates no 1 Moor Villas Road and unit 5.



- 11.28 There is a separation distance of 30m between no. 82 Lampreys Lane and proposed unit 1. There are 37m between no.80 Lampreys Lane and unit 1.
- 11.29 For guidance, a minimum separation distance of 21m between properties is considered acceptable to prevent overlooking and retain privacy. It is not considered that harmful over-looking will arise as good property separation distances between new and existing properties are intact. It should be noted that public right of way walkway Y24/40 is to the rear of these houses on Lampreys Lane, it separates those properties on Lampreys Lane and the proposed new development.
- 11.30 Residents at no.82 have advised that a detached single storey garden room is situated in the southwest corner of the rear garden, they are concerned that privacy will be lost in the garden room. The garden room is single storey and presently is situated adjacent to the PROW. It is considered that the garden room will not be overlooked as it is adjacent to a fence that is higher than it, and noise and general disturbance will not be worse than that created by the PROW. Outlook for residents of no.82 will worsen with loss of views of rolling fields of green- but not to an unacceptable level where residential amenity would be harmed.
- 11.31 Neighbours strongly objected to initial proposals to narrow the public right of way that would separate the old and the new. It should be clarified that initial plans did indicate a narrowing of the walkway; however, this has been amended and plans indicate the path is to be retained at 3m width, allowing dog walkers, runners et al to pass comfortably.
- 11.32 The development will provide a good environment for new residents and will not cause demonstrable harm to existing residents in line with policy EQ2 of the local plan.

#### Access and Highway Impacts

- 11.33 The application is supported by a Transport Statement and a Travel Plan. These have been assessed by the County Highway Authority who does not object to the application subject to the imposition of appropriate conditions and securing highway works by way of an s106.
- 11.34 The Highway Authority notes that the traffic generated by the new dwellings would not be expected to cause a significant detrimental impact on the existing highway network. They do, however, recognise that construction traffic may be an issue due to the restricted nature of the roads in the wider area and believe that a Construction Traffic Management Plan (to be required via a planning condition) will help 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 and other relevant matters.

- 11.35 In terms of the details of the access, the Highway Authority advises that the visibility splays are achievable within the existing public highway.
- 11.36 In terms of parking provision, the site does have sufficient space to provide parking at an appropriate standard.
- 11.37 A total of 57 parking spaces are proposed to serve the needs of the proposed development. The Somerset Parking Strategy sets out a requirement of 3 parking spaces per a four bedroomed dwelling, 2.5 parking spaces per a three bedroomed dwelling, two per two bedroom and 1.5 per a one bed, which amounts 45 spaces plus four visitor spaces giving a total requirement of 49 spaces. The proposal includes provision for 57 parking spaces, including garage spaces, that more than accommodates the requirements of the Parking Strategy to place less pressure on the visitor parking requirements.
- 11.38 The plans are therefore considered to be acceptable in relation to highway safety and accord with policy TA5 of the South Somerset Local Plan 2006-2028.

#### Ecology

- 11.39 The proposed development is located in part of a field formerly used for horticulture, an area to the south has become overgrown. The northwest and northeast boundaries are a mix of cultivated hedgerow, fencing and brick wall, and the southeast boundary has a hedgerow with a dry ditch.
- 11.40 An extended habitat survey was undertaken in 2019. Further survey was undertaken in October 2023 by way of updating the original survey and this has been considered by the ecology team.
- 11.41 Bats were considered to use the boundary hedgerows, and it is recommended that a sensitive lighting strategy for bats is secured – a condition will be included.
- 11.42 The dense bramble and other vegetation at the southern end of the site and other hedgerows are considered to provide nesting sites for birds. A condition ensuring no work to hedgerow, trees or shrubs between March and August inclusively will be included to ensure nesting birds are not disturbed in these sensitive months.
- 11.43 There was evidence of badgers using the application site and it was considered that the dense bramble could conceal a badger sett. A further condition relating to site clearance by a competent ecologist, with written confirmation of supervision and findings to be submitted to the LPA prior to prior to ground works is included.
- 11.44 The overgrown area was considered to present habitat suitable for reptiles. A survey was carried out by Country Contracts and reported in July 2019. This found that the application site supported a breeding population of slow worms.

A mitigation and enhancement scheme needs to be provided prior to works commencing on site; and this is also to be conditioned.

- 11.45 The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall.

### Phosphates

- 11.46 A Nutrient Neutrality and Mitigation Strategy (NNAMS) has been submitted. It demonstrates that the development will achieve nutrient neutrality through the introduction of a Package Treatment Plant (PTP) and filter system, and the incorporation of SuDS features specifically for the treatment of phosphorus. As the development parcel currently comprises improved grassland, the residential development would result in an increase in phosphorus loads from surface water runoff as well as an increase in phosphorus loads owing to foul water discharge if these on-site mitigation measures were not to be implemented.
- 11.47 Natural England considers that information submitted for application 20/01414/FUL demonstrates that nutrient neutrality can be achieved and therefore that harm to the Somerset Levels and Moors can be avoided. We note that Albion Water has confirmed its commitment to run and manage the private sewage treatment facility to an agreed permit level, and this will be regulated by the Environment Agency.
- 11.48 SES are content that the NNAMS report demonstrates that the site result in an increase of nutrients to the catchment without mitigation. To mitigate for this increase it is proposed that the development is connected to a chemically dosed PTP (adopted by Albion water) which will then drain to a filter bed system. This treatment train will result in nutrient neutrality for the development. It is note that EnvirEn (author of NNAMS) has reduced the efficiency of the filter be system by 50%, which is in line with Natural England guidance.
- 11.49 Subsequently to agreement of the NNAMS by both NE and SES, a Habitat Regulations Assessment has been undertaken and has confirmed that with proposed mitigation the development will result in nutrient neutrality and no phosphorous will end up in the river Parrett and beyond. The PTP will be situated onsite however, as the mitigation serves multiple dwelling houses mitigation will be secured by way of a s106 agreement.

### Drainage and Flood Risk

- 11.50 The site is in Flood zone 1 and flood maps indicate that there is no history of surface water ponding on site. It is proposed that surface water will be

attenuated to the south of the site, prior to being treated and piped to a watercourse at the south of the site. Both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) have considered the proposal and offered comments. The Environment Agency is content with this strategy but raise concern regarding land close to the water course to the south of the site as it is unmapped. EA is unsure of its likelihood to flood. For this reason, a condition is included requiring a buffer of 8m from this watercourse to be maintained. LLFA did not raise objection to the proposal but request further clarification particularly with regard to where the attenuation basin will discharge to.

- 11.51 Details indicate that water from the attenuation basin will be piped to watercourse to the south of the site. Further detail relating to onsite harvesting of water is needed, and details regarding how exceedance will be managed and maintained onsite will required to be submitted for approval by the LPA prior to commencement of development.
- 11.52 As both the EA and LLFA have no objection in principle to the proposal, an updated FRA and surface water drainage strategy will be required to be submitted and agreed by the LPA prior to the commencement for development at this site.

#### Planning Balance and Conclusion

- 11.53 The proposal makes provision for 18 additional dwellings (including affordable housing), within South Petherton (a defined 'Rural Centre'). This would contribute towards the enhancement of the sustainability of the village.
- 11.54 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.
- 11.55 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.

## **12. RECOMMENDATIONS**

### **Recommendation:**

- 12.1 Approve subject to conditions and s106 Agreement as detailed below
- 12.2 Delegated to the Head of Planning in consultation with the Area Chair (South).  
s106 obligation to secure:

Construction of highways works.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of any highway works necessary as part of this development, the scope is to be confirmed with the Highways Authority.

Affordable housing provision

35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 6 (rounded down from 6.3) units based on a development of 18 dwellings. The following mix is accepted:

- 4 x 1 bedroomed 2 person flats
- 2 x 2 bedroomed houses (4 person)

Play, youth and formal open space planning obligations as follows

Off site contributions

Equipped play space	£11,883
Youth facilities	£2333
Playing pitches	£6585
Changing room provision	£12037
Total	£32,833
Total cost per dwelling	£1824

Commuted Sums for future maintenance

Equipped playing areas	£6864
Youth Facilities	£863
Playing pitches	£3997
Playing pitch changing rooms	£968
Total contribution	£12,692
Total cost per dwelling	£705

Financial summary

Overall Contribution Total	£45,530
1% Locality Service Administration Fee	£455
Overall level of planning obligation to be sought	£45,986
Overall contribution per dwelling	£2555

Education

There is a lack of capacity in the early years setting and in the junior school in this location. 18 dwellings will generate 2 early years pupil places and 4 Junior

school places. Somerset Council as the Education Authority requires, therefore, education contributions for those education settings to ensure that any expansions can be made to accommodate the children from this development. At the current build rates the education contributions would be as follows:

2x 21,188 = £42,376 for early years.

4 x 21,188= £84,752 for juniors.

The Education Authority reserves the right to update the contribution figure if the legal agreement takes longer than 6 months to complete.

### Nutrient Neutrality

Provision of Package Treatment Plant to serve 18 dwellings to be installed and maintained in perpetuity.

### Conditions

Detailed conditions:

1. 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.

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

Location plan	2673-DR-A-050-000
Site plan	2673-DR-A-050-001D
House type A with detached garage	2673-DR-A-050-003B
House type A with adjoining garage	2673-DR-A-050-004C
House type B with single garage	2673-DR-A-050-005B
House type C	2673-DR-A-050-007B
House type D	2673-DR-A-050-008B
House Type E	2673-DR-A-050-009D

Transport Statement BTC16043/R/01 -July 2020  
Travel Plan measures only travel statement BTC16043/R/02 -July 2022

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

3. No development shall take place until details of materials of the proposed residential dwellings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: To ensure a high-quality development is achieved in line with policy EQ2 of the South Somerset Local Plan 2006-2028 and BEH1 of the South Petherton Neighbourhood Plan 2015 to 2028.

4. No development hereby approved which shall interfere with or compromise the use of footpath Y 24/41 shall take place until a path diversion order has been made and confirmed, and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: in the interest of amenity.

#### Biodiversity

5. Prior to first occupation of any building, a “lighting design for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and Locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent 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.

6. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place

to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

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

7. The dense cover at the southern section of the development site must be cleared under the supervision of a competent ecologist. Written confirmation of the supervision and any findings, mitigation and or licensing requirements must be submitted to the Local Planning Authority prior to groundworks commencing on site.

Reason: In the interests of a UK protected species and in accordance with Policy EQ4 of the South Somerset Local Plan

8. No works, including vegetative clearance and ground works, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:
  - a) the proposed construction working practices to avoid harming reptiles
  - b) details of proposed location, to accommodate any reptiles discovered during works
  - c) the timing of works to minimise the impact on reptiles
  - d) if required, details of the location and status of a translocation site

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the presence of legally protected species and in accordance with Policy EQ4 of the South Somerset Local Plan.

9. The following will be integrated into the dwellings or otherwise provided:
  - a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation
  - b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation
  - c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations [on X dwellings]



- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling
- e) The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to construction above ground level.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

#### Landscape

10. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - a statement setting out the design objectives and how these will be delivered; earthworks showing existing and proposed finished levels or contours;
  - detailed planting specification of public open space to the south;
  - means of enclosure and retaining structures;
  - boundary treatments;
  - vehicle parking layouts;
  - hard surfacing materials;
  - proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points;The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied

Reason: In the interests of visual amenity

11. Before the development is first occupied a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for public open space to the south of the site is submitted to and approved in writing by the local planning authority. All landscaping shall be managed in accordance with the approved landscape management plan.

Reason: In the interest of landscape management.

#### Phosphates

12. The approved development shall only be carried out in accordance with the approved documents:

No building or use hereby permitted shall be occupied until the Package Treatment Plant has been installed in accordance with the details set out within the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) Lampreys Lane, South Petherton, 18 August 2023 (EnvirEn) and Shadow Habitats Regulations Assessment (sHRA) Lampreys Lane, South Petherton – EnvirEn, 16th October 2023, including the provision made for maintenance and monitoring has been secured and written confirmation of the installation has been made to the Local Planning Authority. Thereafter, the Package Treatment Plant shall be maintained and monitored in perpetuity in accordance with the details approved for the lifetime of the development.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policy EQ4 of the Somerset District Council Local Plan as well as Paragraphs 180 and 186- 188 of the National Planning Policy Framework (December 2023).

#### Highways

13. Prior to commencement of the development hereby permitted, a detailed Boundary Treatment Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the strategic highway authority). The plan shall include as a minimum:
  - a) details of the proposed boundary fencing, location, type, height, construction method and maintenance;
  - b) details of any proposed boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of trees along the site boundary.The Boundary Treatment Plan shall ensure that access to the nature reserve is obtainable only via a controlled access point via the car park at its southwest corner.  
All works shall be undertaken in accordance with the agreed plan and maintained in perpetuity as such thereafter.

Reason: To ensure appropriate boundary treatments and in accordance with Policy EQ2 of the adopted South Somerset Local Plan

14. 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.

15. 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 interest of amenity

16. For garages accessed from the highway, there shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of a roller shutter/sliding/inward opening type, and an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: In the interests of amenity

17. No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. 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;
  - A scheme to encourage the use of Public Transport amongst contractors; and Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interest of amenity.

18. The applicant shall ensure that during construction all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of works, and thereafter maintained until the completion of

construction works.

Reason: In the interest of amenity.

19. 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 of the development hereby approved and thereafter maintained at all times.

Reason: In the interests of amenity

20. The development hereby permitted shall not be occupied until an electric vehicle charging point (EVCP) rated at a minimum of 16 amp has been provided for each dwelling within its associated parking area. Provision of 2no. charging points for apartment units 12, 13, 14, 15 is satisfactory. The electric vehicle charging point must be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

Reason: To ensure the provision of an EVCP for low emission vehicles as part of the transition to a low carbon economy, to promote sustainable travel in the interest of environmental protection and to accord with Policy TA5 of the South Somerset Local Plan 2006-2028.

Floodrisk

21. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation;
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, and
  - iv) include detail of SuDS features including rainwater harvesting and other source controls.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure the development is properly drained in accordance with the NPPF

22. No development approved by this permission shall be commenced until a scheme for landscaping, within 8 metres of the main river, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent an increase in flood risk associated with works in proximity to the main river.

### Informatives

- 1) This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, the Local Planning Authority has endeavoured to work proactively in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
- 2) Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- 3) The applicant will need to demonstrate to ourselves and Highways colleagues that the crossing point of the access road and footpath Y 24/40 is safe for the public to use. Surface improvements to the paths Y 24/40 and Y 24/41 to cope with an increase in future use can be technically approved under a s38 adoption agreement. In the event that there is not an agreement, then a separate s278 agreement will be required.
- 4) The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit

our previously submitted comments and re address where deemed necessary. Where planning permission has already been granted, any inaccuracies which come to light may seriously affect the deliverability of the permission. If this includes highway works either on or adjacent to the existing public highway that may be the subject of a specific planning condition and/or legal agreement attached to the aforementioned consent, it may result in a situation whereby that condition and/or legal agreement cannot then be discharged / secured.