

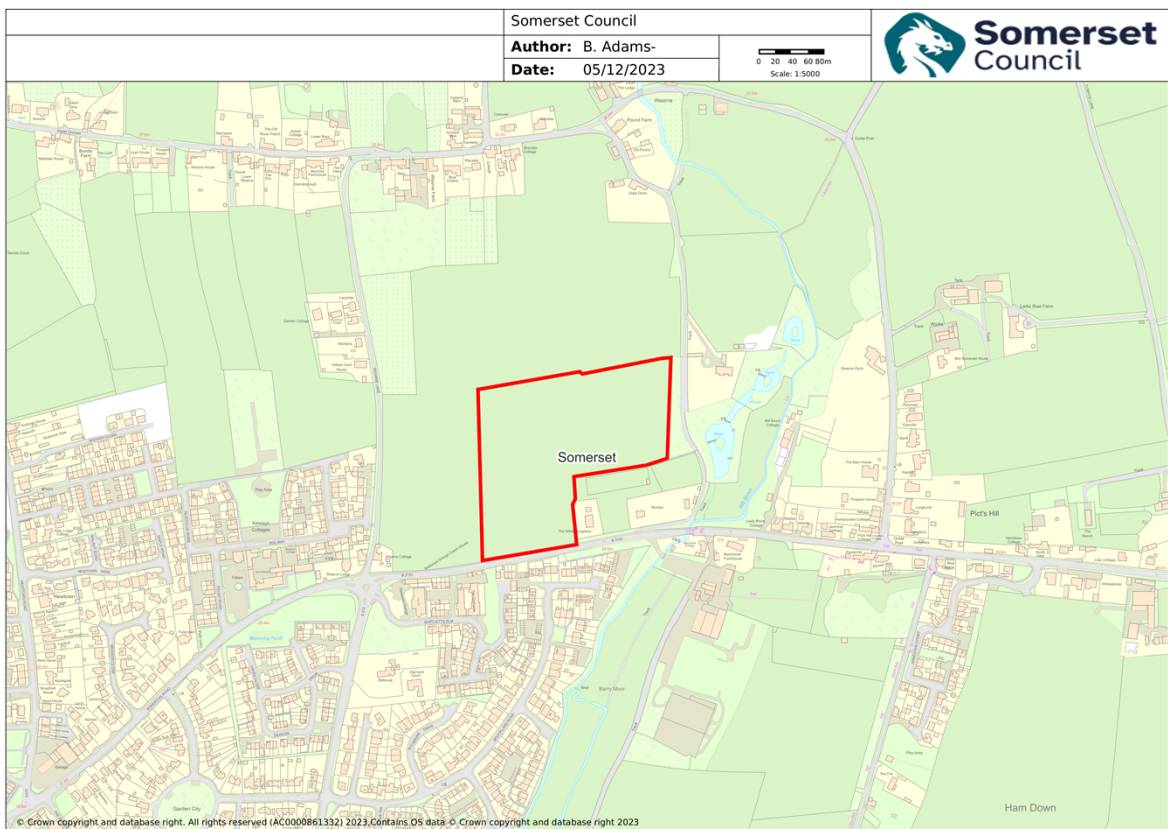
## Officer Report On Planning Application: 21/00311/OUT

<b>Proposal:</b>	Outline planning application for up to 100 dwellings, associated open space and infrastructure with all matters reserved except access.
<b>Site Address:</b>	Land To The North Of Somerton Road, Adj The White Bungalow, Somerton Road, Langport, Somerset,
<b>Parish:</b>	Huish Episcopi
<b>CURRY RIVEL AND LANGPORT Division</b>	Cllr Mike Stanton Cllr Richard Wilkins
<b>Recommending Case Officer:</b>	Colin Begeman (Principal Specialist)
<b>Target date:</b>	30th April 2021
<b>Applicant:</b>	Langport LVA LLP
<b>Agent: (no agent if blank)</b>	PCL Planning Ltd 13A - 15A Old Park Avenue Exeter EX1 3WD
<b>Application Type:</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

All major applications that are not in accordance with the Town/ Parish Council's recommendation are referred directly to the Planning South Committee under the Somerset Council's Scheme of Delegation.

# SITE DESCRIPTION



The proposed residential development is located on land to the north of Somerton Road, Langport. The site is accessed from Somerton Road to the south, which forms

the primary connection between Langport and Somerton, linking to the A372 at the roundabout southwest of the site.

The site is within convenient walking and cycling distance of a range of facilities, including employment, retail, leisure facilities, and local schools. The town centre is within a 10-15 minutes walk. The closest bus stop to the site is situated approximately 200m (a 3-minute walk) from the site on Somerton Road ('Picts Hill'), providing services to Taunton, Somerton, Yeovil, and other destinations.

The site is not subject to any national or local ecological or landscape designations (such as Site of Special Scientific Interest (SSSI) or AONB - Area of Outstanding Natural Beauty) and is situated within Flood Zone 1 (lowest probability of flooding). However, it is within the 'impact risk zone' for Aller Hill SSSI and Wet Moor SSSI. Wet Moor SSSI forms part of the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar site.

The proposal for the residential development is made in outline, with all matters reserved except for means of access. The site is considered suitable and capable of accommodating approximately 100 dwellings. The illustrative masterplan shows a mix of house types and sizes, providing housing options for a mixed community. The proposed access to the site is from Somerton Road to the south, with pedestrian footways on both sides of the access road.

The development plan for the area includes the South Somerset Local Plan 2006-2028, Somerset Minerals Plan, and Somerset Waste Core Strategy DPD. The South Somerset Local Plan designates Langport/ Huish Episcopi as a 'Market Town,' and the site falls within the 'Direction of Growth' area for Langport/ Huish Episcopi. The plan sets a requirement of at least 374 dwellings to be built in the Local Plan Period, with at least 85 dwellings needed in addition to the 289 already committed.

The application for the proposed residential development is considered to be in accordance with the relevant planning policies and takes into account considerations for flood risk, ground conditions, access and transport, ecology, landscape, and archaeology/heritage. The applicants have submitted a Design and Access Statement and provided a summary of proposed heads of terms for the Section 106 agreement.

The application concludes that the proposed development is acceptable in planning terms, meets the requirements of the Development Plan, and should be granted planning permission, given that there are no material considerations that point to a decision contrary to the Development Plan.

## PROPOSAL

The proposed residential development is an outline application for a scheme located on land to the north of Somerton Road, Langport with all matters reserved apart from access. The application seeks permission for residential development with associated public open space and infrastructure. The key details of the proposed development include:

**Housing:** The site is considered suitable for accommodating approximately 100 dwellings. The proposed housing mix includes a variety of house types and sizes to cater to a diverse community. The development aims to provide both market housing and affordable housing in line with the local plan's policy.

**Access:** Access to the development will be gained directly from Somerton Road to the south. The proposed access road will be 5.5 meters wide, with a 6-meter radius. Pedestrian footways will run on either side of the access road, connecting to existing footways on the northern side of Somerton Road.

**Layout:** The development is presented in outline form, with all matters reserved except for access. An illustrative masterplan has been provided, demonstrating the proposed layout of the development. The masterplan includes a "green street" running through the site, offering opportunities for informal open space, biodiversity enhancement, and water attenuation. There will also be a gateway square to create a welcoming sense of arrival into the site.

**Open Space:** The proposed development includes generous areas of public open space and landscaping, incorporating a play area, an orchard, and surface water attenuation features.

**Density and Design:** The layout adopts a well-structured hierarchy of streets, including home zones and east-west streets, maximizing opportunities for solar gain. The development proposes lower density housing towards the edges of the site and higher density closer to the existing settlement edge. The design and access statement emphasises high-quality design to enhance the local distinctiveness and character of the area.

**Sustainability:** The proposed development aligns with policies promoting low carbon travel. The Transport Assessment includes provisions for travel information packs, charging of electric vehicles, green travel vouchers, cycle parking facilities, travel plans, and sustainable transport measures.

**Flood Risk and Drainage:** A Flood Risk Assessment and Drainage Strategy have been prepared to manage drainage effectively on the site. The site is situated in Flood Zone 1, the lowest probability of flooding, and the proposed drainage strategy utilizes surface water attenuation features, ensuring no increase in flood risk to existing properties.

**Ecology:** An Ecological Impact Assessment has been conducted, considering the impact of the proposals on protected sites and species. The assessment outlines that the proposed development would not significantly impact the integrity of designated areas or protected species.

**Landscape and Visual Impact:** The Landscape and Visual Impact Assessment (LVIA) has been undertaken to assess the potential landscape and visual impacts of the development. The LVIA concludes that the development would not significantly alter existing scenic views or landscapes. The proposed mitigation measures, such as tree and hedgerow planting, would integrate the development into its landscape setting.

**Archaeology and Heritage:** An archaeological evaluation, including geophysical survey and trial trenching, has been conducted to identify any heritage assets within the application area. The results indicate that there are no significant archaeological remains on the site that would hinder the proposed development.

**Section 106 Agreement:** The application includes provisions for up to 35% affordable housing (in accordance with Local Plan Policy) provision, with the specific tenure split to be agreed. The Section 106 agreement also covers on-site public open space provision and management.

Overall, the proposed development seeks to provide a high-quality residential scheme that is well-integrated with the existing town, addressing local housing needs while considering environmental and heritage considerations. The outline application allows for flexibility in detailed design at the reserved matters stage.

## **HISTORY**

No relevant planning history

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and Paragraphs 2,

11, and 12 of the NPPF requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).  
Policies of the South Somerset Local Plan (2006-2028)

SD1 - SUSTAINABLE DEVELOPMENT

SS1 - SETTLEMENT STRATEGY

SS4 - DISTRICT WIDE HOUSING PROVISION

SS5 - DELIVERING NEW HOUSING GROWTH

SS6 - INFRASTRUCTURE DELIVERY

LMT2: LANGPORT / HUISH EPISCOPI DIRECTION OF GROWTH

EP3 - SAFEGUARDING EMPLOYMENT LAND

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

EQ5 - GREEN INFRASTRUCTURE

EQ7 - POLLUTION CONTROL

National Planning Policy Framework

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

Part 16 - Conserving and enhancing the historic environment

Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

National Design Guide October

Other

Somerset County Council Parking Strategy

Somerset County Council Highways Development Control - Standing Advice Policy

PMT1

Local Plan Review

On 21 July 2021, the Government announced that, subject to Parliamentary approval, a new unitary council for Somerset would be formed on 1 April 2023 to replace the existing county and district councils. However, Exmoor National Park Authority remains as the Local Planning Authority for the area of National Park within Somerset.

Given these timescales and the numerous stages in Local, Mineral and Waste Plan preparation the existing councils will therefore no longer be progressing new plans through the statutory process based on their individual geographies. Existing county and district councils are working closely to scope the content and timescales for new Development Plan(s) to be prepared in the future as part the single unitary council. This includes ongoing work to progress and align key evidence base documents. Relevant documents, including an updated Local Development Scheme (LDS) for the new Somerset Council will be published in due course as the councils work through the transitional arrangements.

5 Year Land Supply

The LPA cannot demonstrate a 5 year housing land supply and limited weight that can be applied to policies of housing restraint. On this basis the tilted balance set out in the NPPF applies where sustainable development should be approved subject to the benefits outweigh the harm.

Whilst very limited weight can be given to the South Somerset Local Plan Review it is noted by officers that Draft Policy LH2 sought to allocated land between Wearne Road and Somerton Road (including the application site) to provide for about 100 dwellings.

## **CONSULTATIONS**

### **Huish Episcopi Parish Council: Objection**

Huish Episcopi Parish Council (HEPC) accepts that the application is part of LANG 1 proposed in both the 2006/2028 and 2018/2036 Local Plans for future development.

HEPC believes that it is essential to consider the other ownerships with planning for the whole site to benefit the community. This may involve the provision of new facilities such as a primary school, doctors' surgery, dental surgery, and community hall.

HEPC objects to the application based on the fact that the local community has already achieved more than 100% of the Local Plan's housing target, with 465 approved and built properties, exceeding the initial requirement of 374 dwellings.

The land in question was initially allocated for business units but is now proposed for housing. HEPC questions whether it is appropriate to turn part of it into housing while ensuring the remaining area remains viable for agriculture.

HEPC raises concerns about the impact on the 2018/2036 Plan if this application is approved, as it would exceed the planned number of dwellings by 191.

There are concerns about the buffer zone and coalescence with Wearne, and HEPC suggests a revised boundary to avoid coalescence with the hamlet of Wearne.

HEPC objects to the potential impact of the development on the availability of employment opportunities, sewerage system capacity, traffic congestion, medical services, and school capacity.

HEPC is also concerned about the increase in carbon footprint due to additional car journeys and home heating systems, which is counterproductive to addressing the climate emergency.

HEPC objects to the outline plan in its current form, suggesting a reduction to about 50 dwellings with a focus on business and services area for future local work.

Concerns are raised about the access road for the proposed site and the potential need for additional access if the western site is offered for development.

HEPC requests that the application be refused in its current form and that all the



raised issues and questions be satisfactorily addressed.

HEPC supports the removal of the "direction of growth" for the south-east of the settlement in Langport/Huish Episcopi from the revised plan.

HEPC supports the development of LANG 2 with a suggested maximum of 80 dwellings.

HEPC requests the removal of land by the railway line on A372 Field Road from the plan to retain it for agricultural or recreational purposes.

HEPC supports further sympathetic infill developments to the southeast of Huish Episcopi along the A372 but requests avoiding any hard joining of Huish Episcopi to Pibsbury.

HEPC calls for action from SSDC Area North to address the derelict building on the site at 2006 - 19 Brookland Road.

HEPC fully supports the further development of Westover Trading Estate.

The council emphasizes the need for a Community Centre for the use of all residents in Huish Episcopi and Langport, preferably on the identified site or alternatively on LANG 1 if the first option is unattainable.

Huish Episcopi Parish Council has responded to the applicants additional information responding to HEPC's comments on landscape summarised as follows:

Introduction:

HEPC does not see how adding 100 more houses will improve the local landscape or benefit existing residents.

Existing Context:

HEPC argues that the application site is actually on the northeast edge of the village of Huish Episcopi and adjacent to the parish of High Ham. They highlight issues with over-subscribed doctors' surgery, full-capacity primary school, and closed pubs affecting the community.

Development at Langport:

HEPC acknowledges the developments in Langport but insists that these major developments have all occurred in the parish of Huish Episcopi.

#### Policy and Evidence Base:

HEPC agrees with the Local Plan's direction of growth for Langport/Huish Episcopi but raises concerns about the number of approved houses already exceeding the plan. They question the lack of employment land delivered and advocate for developments that include facilities like schools, doctors' surgeries, dental surgeries, and community halls.

#### Proposed Development:

HEPC disputes the suggestion that previous refusal of an appeal sets a precedent for not extending development north of the Old Kelways site. They argue that the proposed development does coalesce with properties in Wearne and neighbouring areas and stress the importance of a significant landscape buffer in the northern part of the site.

In conclusion, HEPC expresses several concerns and recommendations for the proposed development. They emphasize the need for a landscape buffer, a single entrance to serve the entire development area, and a mix of houses, business units, and community facilities. They also recommend dialogue with other landowners and suggest involvement in the Local Community Plan for both Huish Episcopi and Langport.

#### **Langport Town Council: Objection**

**Consultation:** Langport and Huish Episcopi would provide all the facilities for people living in this proposed development and yet the Langport Town Council has not been consulted about such a major housing development and the resulting impact it would have on the town of Langport.

**Infrastructure concerns.** If this development was allowed, it would create extra pressure on local services.

Drainage, water, sewers - is there enough capacity in the system to provide these services to this number of extra houses? Can existing drainage and sewerage treatment in the locality deal with the increase in effluent and surface water?

Flooding is a major concern in the local area, and this has not been addressed. At present this arable site soaks up all the rainfall. Once properties are built on the site where will this surface water go?

Doctors' surgery, dentists, opticians, local schools and nurseries - all are at full capacity.

**Employment and traffic concerns.** Local roads are already congested. Langport residents are concerned about the volume of traffic passing through their streets. The traffic impacts on local shopping, pollution and buildings. Local employment is limited so residents would need to travel to places of employment. Adding more problems to the local traffic flows. Public transport is available but on an inadequate scale.

**Precedent.** If planning is permitted for this part of the field, then applications to develop the remaining area would follow.

**Phosphates** - determine if this development will give rise to increased levels of phosphate in the Somerset Levels and Moors

**Affordability and need.** Application does not address the need for affordable housing. What evidence is there that the type of houses proposed is what is required in this area?

**Housing energy performance:** Langport Town Council acknowledges the climate emergency. What is the Design Emissions Rate (DER) predicted by the developer and how does this compare to the Target Emissions Rate (TER)? Langport Town Council would seek for this to be greater than 20%.

Langport Town Council supports the responses from Huish Episcopi Parish Council

### **High Ham Parish Council: Objection**

High Ham Parish Council would like to lodge an objection to this planning application on the following grounds.

Although the site of the application is in Huish Episcopi parish it is adjacent to the boundary of High Ham parish.

The application states that access and egress from this estate is onto the B3153. The Traffic Assessment (TA) is largely based on a traffic census generated in 2013 and based on a census conducted for the Trial Grounds planning application, and a computer model.

Due to Covid restrictions and lockdown regulations no physical traffic count has been conducted. The TA stated that traffic exiting the site will be 30% heading west to Langport, approximately 33% heading to the east to Somerton and 38% heading south from the Bartletts Elm roundabout towards the A303. High Ham Parish Council

would dispute this last figure as the east route via Tangore Lane to head towards the A303 would be taken.

The TA does not acknowledge that the B3153 is part of a designated HGV route. This HGV route to the west leads to the A372, A378, A361, A38 and M5, and to the east the A372, A37, A303, and M3.

There is a large business in Huish Episcopi that due to planning conditions and a S106 agreement has to use this HGV route. This business is allowed up to 130 HGV traffic movements a day.

High Ham Parish Council object on the grounds of increased traffic numbers generated by this development. This would be to the detriment of the health and wellbeing of High Ham parish residents at Picts Hill, Union Drove, Hamdown Estate and Wagg Drove

### **South West Heritage Trust**

Initial response 06/04/21

The submitted geophysical survey and trial trench evaluation reports indicate the presence of Roman settlement on this site. The nature of this archaeology suggests its local significance in accordance with the policies outlined within the NPPF (paragraph 189). Should permission be granted, the archaeology necessitates full excavation and documentation before any development proceeds on this site.

Consequently, I recommend that the developer be mandated to conduct an archaeological excavation of the heritage asset and furnish a comprehensive report on any findings, as stipulated in the National Planning Policy Framework (Paragraph 199). This requirement should be enforced through the following conditions, to be attached to any granted permission:

"Programme of Works in Accordance with a Written Scheme of Investigation (POW): Prior to commencing the development permitted herein, the applicant, their agents, or successors in title, must ensure the implementation of an archaeological work program aligned with a Written Scheme of Investigation (WSI). This WSI must be submitted to and approved in writing by the Planning Authority. It should detail the archaeological excavation, heritage asset recording, evidence analysis, and results publication. The permitted development must adhere to the approved scheme."

Additionally:

"Archaeology and Assurance of Work Completion:

No building within the development shall be occupied until the completion of the site's archaeological investigation and initiation of post-excavation analysis, as per the Written Scheme of Investigation approved under the POW condition.

Furthermore, financial provision for analysis, results dissemination, and archive deposition must be secured."

Following the submission of further archaeological information SWHT comment on 20/10/2023:

Based on the submission of the WSI to the LPA in advance of deciding this application I can advise that the two (prior to commencement and prior to occupation) conditions can be subsumed into a single compliance condition. The following wording should be used to ensure both stages of the archaeological work are carried out:

Programme of Works in Accordance with a Written Scheme of Investigation (POW)

The applicant, or their agents or successors in title, must secure the implementation of the programme of archaeological work in accordance with the submitted Written Scheme of Investigation (WSI) Land off Somerton Road, Langport, Somerset: Written Scheme of Investigation for a programme of archaeological works, AC Archaeology August 2023. The scope of work must involve the archaeological field investigation (excavation), the recording of the heritage asset, the analysis of evidence recovered from the site, the production of an assessment report and Updated Project Design (UPD), the further analysis proposed within UPD and the and publication of the results."

I have tried to word this condition carefully to ensure that all stages of the work are carried out and that if (for example) after the field excavation there is a problem with funding for the post-excavation and publication, that the condition can be used to enforce completion of the project.

**Local Lead Flood Authority:**

No objection.

The applicant has provided sufficient evidence to determine whether safe access and egress is achievable over the whole lifespan of the proposed development. However, the applicant should ensure that their wider drainage design does preclude access and egress to the site in the event of exceedance of their drainage features.

All other matters concerning flood risk and drainage should be considered reserved.

The site lies within Flood Zone 1 according to the EA's flood map for planning, and therefore is considered acceptable from a flood risk perspective. Limited extents of low surface water flood risk lie within the site and the design of the development should be formed appropriately managed this risk and ensure access and egress can be maintained.

The applicant has provided an indicative drainage strategy which shows that drainage of the site access will be incorporated within the main site drainage system. As such, as the drainage system serving the access is not discrete, therefore, matters concerning drainage of the access should be considered as reserved until the application regarding the whole site proposals are submitted.

Initial proposals for the wider site include several SuDS features, and the LLFA would encourage the applicant to seek to maximise the wider benefits provided by such features, and their breadth of application, including source control features.

It is also noted that FSR rainfall data has been used for the hydraulic calculations. Consideration should be given to the use of more up to date FEH methods involving 2013 rainfall data, in line with the recommendations of the EA and CIRIA C753 SuDS Manual. Where FSR is used in place of FEH, justification should be provided by the applicant. This justification may need to be supported by a sensitivity test which applies the FEH derived rainfall to the network.

**Highway Authority:**

No objection subject to conditions.

I refer to the above-mentioned planning application received on 16 March 2021 and have the following observations on the highway and transportation aspects of this proposal:-

A Full Travel Plan will be required to be secured by s106 Agreement for this scheme. The submitted document is currently being assessed for adequacy and further comments will be forthcoming in due course. The final document will need to be secured as acceptable prior to commencement.

All works to construct the site access and an improved footway across the site frontage will be covered by an agreement under s278 Highways Act 1980. This should

be cited within aforementioned s106 Agreement.

On assessing the proposed housing development, the following matters have been taken into consideration;

- Generation of 45-50 vehicles in the peak hour equates to less than one per minute
- The access junction can be constructed in accordance with current policy standards
- No collision data is held for this stretch of the road indicating no inherent problems with the road in the vicinity of the site access point.
- The site is in close proximity to local passenger transport networks
- There is room for the footway across the site frontage to be improved to be no less than 2m in width
- In the event of the principle of this development being accepted, the Reserved Matters application can secure the internal layout, parking and turning facilities, drainage layout, and any street lighting requirements.

In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed:-

Construction Environmental Management Plan

Surface water

Estate roads,

Properly consolidated and surfaced footpath and carriageway

Parking spaces

Visibility

A Full Travel Plan will be required to be secured by s106 Agreement.

## **Planning Policy**

### **MONITORING**

Monitoring demonstrates that from the beginning of the adopted Local Plan period 2006 to date, 412 dwellings have been delivered within Langport and Huish Episcopi; with commitments (extant planning permissions) for a further 93 dwellings. As a result, there is potentially a total of 505 dwellings to be delivered within the Plan period (2006 - 2028) that is likely to result in an increase of 131 dwellings over the housing requirement figure of 374 dwellings. This proposal for 100 dwellings would increase the number of dwellings to 605. However, this is consistent with the level of

housing delivery (completions and commitments) at Somerton and Ansford & Castle Cary, which are also within the Local Market Towns tier of the Settlement Strategy.

## **PLANNING POLICY CONTEXT**

Policy SS1 of the adopted Local Plan 2006-2028 (Local Plan) places each settlement a tier within the 'settlement hierarchy', based on their role and function within the district. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy. The policy identifies Langport and Huish Episcopi as a Local Market Town. Paragraph 5.19 explains that Market Towns are the focal points for locally significant development including the bulk of the District's housing provision outside Yeovil. This growth aims to increase the self-containment of these settlements and enhance their service role.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. The Local Market Towns each have a housing requirement of 374 dwellings. The policy states that a permissive approach will be taken when considering housing proposals in the directions of growth at the Market Towns. The overall scale of growth will be a key consideration in taking this approach with emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. It is clear that Langport/ Huish Episcopi has delivered a greater number of new homes than predicted, but it is commensurate with a similar level of growth at the Local Market Towns of Somerton and Ansford & Castle Cary.

Policy LMT2: Langport/Huish Episcopi Direction of Growth (DoG) provides for strategic growth to the north, east and south east of the settlement. The site of this outline application proposal lies within the north-east DoG, and therefore is within an area where a permissive approach will be taken for residential development. Considering the quantum of development proposed Policy HG3 requires 35% affordable housing to be delivered on the site.

Development in the DoG will be subject to a project level Habitats Regulations Assessment of potential impacts on the Somerset Levels and Moors SPA/Ramsar sites. Suitable open space is also required to alleviate impacts on sensitive conservation areas and will need to be agreed in advance with Natural England. It does not appear that any discussion of development on the site has been discussed with Natural England in advance of submission of this application.



## HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (HELAA) AND LOCAL PLAN REVIEW

The site has been assessed in the 2018 South Somerset District Council HELAA, with the site reference HELAA N/HUEP/0010. The HELAA concluded that the site was suitable and available for residential development.

The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 181; with the most recent consultation on Preferred Options ending in September 2019. The site forms part of the proposed allocation LH2 Housing Growth at Land Between Somerton Road and Wearne Lane - the area of the allocation extends further to the west to adjoin Wearne Lane. This proposed allocation policy sets out development for about 100 dwellings, formal and informal play space and a significant landscape buffer in the northern part of the site to protect the setting of Wearne Lane to the north. As the emerging Local Plan Review is still at an early stage in its preparation, it is judged that limited weight can be attached to it (paragraph 48 of the NPPF). However, as the site falls within the existing DoG, it is considered that the requirement regarding the landscape buffer is justified and reinforces the findings of the Langport Peripheral Landscape Study 2008, which concluded that "consolidation of the area's northern boundary would be required, to provide a distinct edge, and containment of the town's northward extent relative to Wearne, and to ensure contained separation of the settlements".

Some of the supporting evidence arising through the preparation of the Local Plan Review, including through the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) will be a material consideration in terms of any likely significant effects on international wildlife sites.

Responses to Preferred Options consultation included Natural England's representation which stated that: "The proposed allocations at Langport...would potentially lead to the loss of the finite amount of available functionally linked land to Somerset Levels and Moors SPA and Ramsar site.

The Habitats Regulations Assessment (HRA) of the Local Plan Review Preferred Options document recommends that Policy LH2 is amended to set out that the applicant should be required to provide evidence that the development will not result in adverse effects on integrity. To demonstrate this the planning application will likely need to be assessed through a project specific Habitats Regulations Assessment to ensure that the development does not result in adverse effects on integrity. This aligns with the approach taken in adopted Local Plan Policy LMT2.

The Local Plan Preferred Options Sustainability Appraisal June 2019 (SA) notes that Langport and Huish Episcopi is the most constrained settlement in terms of the Somerset Levels and Moors SPA, being located approximately 1km north west of the designated site. The report advises that given the sensitivity of the Somerset Levels and Moors SPA/Ramsar, measures should be agreed with Natural England prior to development.

### **Phosphates**

In addition, following the Natural England letter received by the Council in August 2020 regarding the unfavourable condition of the Somerset Levels and Moors Ramsar Site due to high nutrient (phosphates) loads, the proposal does not appear to have addressed the matter relating to phosphates within the Somerset Levels and Moors catchment, that will require sufficient information to be submitted to enable an appropriate assessment to be undertaken - as required by S.77 of the Conservation of Habitats and Species Regulations 2017.

### **PLANNING BALANCE**

As demonstrated above, the proposed development site is located within the north east Direction of Growth for the Local Market Town, Langport and Huish Episcopi, where the level of completed and committed residential growth has already exceeded the housing requirement for the settlement within the plan period. The principle of development in the Direction of Growth is accepted, however, this needs to be balanced with the overall scale of growth at the Local Market Towns and maintaining the established settlement hierarchy; however, it is shown to be consistent with the scale of growth permitted at Somerton and Ansford & Castle Cary within the plan period. Whilst the emerging Local Plan Review has limited weight, this site is a proposed allocation for future housing growth for the town.

SSDC published the Five-year Housing Land Supply 2020-2025 report in November 2020 and an addendum in January 2021 and is able to demonstrate a housing land supply in excess of six years, taking a cautious approach that considers the impact of the pandemic on delivery and the need to address nutrient neutrality within the Somerset Levels and Moors Ramsar Site catchment. The tilted balance towards the presumption in favour of sustainable development triggered by paragraph 11 of the NPPF is no longer considered to apply in the context of the five-year land supply. Whilst the adopted Local Plan is now more than five years old it is considered that the policies most important to decision-making with regard to this proposal are consistent with the NPPF (2019) and can therefore be given significant weight.

Measures will need to be taken to address potential impacts on the integrity of the Somerset Levels and Moors SPA/Ramsar sites with regard to phosphates and functionally-linked land in consultation with Natural England. Furthermore, it is advised that greater consideration is given towards an appropriate landscape buffer to the northern edge of the site.

Update to the Policy Section's comments. The Council is unable to demonstrate a Five year Housing Land Supply and therefore the titled balance as set out in the NPPF is triggered and policy relating to constraint on delivery of housing is considered to be out of date and limited weight applied.

Overall, while acknowledging the principle of development in the designated growth area, the response underscores the importance of balancing growth with the established settlement hierarchy. It notes the significance of measures to address potential impacts on sensitive conservation areas and highlights the need for landscape buffer considerations and addressing phosphates-related concerns in consultation with Natural England.

**Ecologist:**

No objection subject to conditions and the phosphate mitigation strategy being secured by a s106 agreement.

The phosphorus mitigation strategy for the Somerton Road development proposes improving the water efficiency of existing properties in the Parratt catchment controlled by Abri. This strategy involves retrofitting water-efficient fixtures and fittings into these properties to reduce the volume of effluent discharged into Wastewater Treatment Works (WRCs) within the catchment. The reduced effluent volume from existing homes will offset the increased foul flows from the proposed new houses, effectively mitigating the total phosphorus load generated by the development.

The strategy takes advantage of Building Regulations that set a minimum water efficiency standard for new homes. Retrofitting older properties with less water-efficient fixtures provides greater reductions in Phosphate Consumption Coefficients (PCC) compared to newer properties built under updated regulations.

The calculation of baseline PCC for different property types establishes the potential water savings through retrofitting. The reduction in phosphorus discharge resulting from retrofitting a property is dependent on occupancy rates and the phosphorus discharge consent limit at the respective WRC.

Abri plans to retrofit a sufficient number of pre-2010 properties within the Parratt catchment, meeting a total occupancy rate, to offset the phosphorus impact of the proposed new development at Somerton Road, Langport. To ensure perpetual reductions in water use, Abri will maintain control over installed fixtures and fittings through tenancy agreements, conducting inspections, and undertaking replacement and maintenance programs throughout the 80-year design life span of the new development.

**Open Spaces Officer:**

No objections subject to an increase in the open space provision at the Reserved Matters stage.

The design shown on the 'Illustrative Masterplan' identifies approx. 0.43ha of Public Open Space (POS), an amount that does not reach the minimum requirement of 0.58ha for a development of this size.

Whilst the main area of POS is located in the north-eastern corner of the site which normally, we would ask to be in a more centrally located area to allow for equal access by all residents, the inclusion of the 'green street' areas provide good links across the site, as well as helping to break up the built form.

We would ask, however, that as this application progresses and more detailed designs for the POS develop, that the POS doesn't become run-off for the LEAP and is designed as a standalone feature. We appreciate the positioning of the LEAP makes the most sense in its current location and allows for a good amount of POS to stand around it, we would just like to make sure the developer is conscious the POS doesn't become consumed by the LEAP.

Overall, we are happy with the direction this initial proposal is going in, we just ask that more is done to expand the areas of POS already provided so the site reaches the minimum provision for the estimated 219 residents.

**Crime Prevention Officer:**

No objection subject to comments.

**County Education Officer:**

A proposal of 100 dwellings in this location will generate the following number of

pupils for each education type:

Early Years - 9

Primary School - 32

Secondary School - 14

SEN School - 1

Education contributions will be required for Langport Huish Episcopy Primary, Huish Episcopy Secondary and SEND school expansion in the area. There appear to be sufficient Early places in this area at present, so no contributions will be required for pre-schools.

The cost to build for expansion projects for the above primary, secondary and SEND to ensure net zero build standards are as follows:

Primary - £21,188.00 per pupil

Secondary - £29,419.50 per pupil

SEND - £101,215.72 per pupil

Therefore, the contributions to ensure the capacity can be built onto the local schools to accommodate the children from this development will be as follows:

$32 \times 21,188.00 = £678,016.00$  for primary expansion (cost of 1 classroom for 32 children)

$14 \times 29,419.50 = £411,873.00$  for secondary expansion

$0.92 \times 101,215.72 = £93,118.46$  for SEND expansion projects

Total: £1,183,007.46 in Education contributions to ensure this development contributes to the necessary increases in capacity of the local schools to provide school places for the children from this development.

I realise this is a significant increase in education obligations for this application, however it is a reflection of the large building materials cost increases and the need to expand SEND facilities across Somerset.

For the purpose of the S106 as this is an outline application the contributions will be based on a per dwelling cost as follows;

Primary -  $£678,016.00/100 = £6,780.16$  per dwelling

Secondary -  $£411,873.00/100 = £4,118.73$  per dwelling

SEND -  $£93,118.46/100 = £931.18$  per dwelling

Total education contribution per dwelling = £11,830.07

**Natural England:**

No objection subject to phosphate mitigation being secured by way of a s106 agreement.

**NHS:**

The application has been reviewed from a primary care perspective and the following comments are provided by the NHS Somerset Clinical Commissioning Group as their response to the application.

In preparing this response, it is noted that the South Somerset Local Plan (2006 - 2008) Adopted March 2015 under "Policy SS6: Infrastructure Delivery" states that:

"The Council will secure the provision of (or financial contributions towards) affordable housing, social, physical and environmental infrastructure and community benefits which the council considers necessary to enable the development to proceed. Proposals that form part of potentially wider sites will be assessed in terms of the capacity of the site as a whole and such requirements sought on a pro rata basis.

The types of infrastructure required will be considered on a site by site basis and may include the following, where appropriate and not otherwise funded in full or part through CIL (not exhaustive):

...Community facilities, including Early Years, Primary, and Secondary educational provision"

The CCG's concern is that the surgery of Langport Surgery, a community facility, is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already has 13,515 patients registered and this new development will increase the local population by a further 225 persons.

Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document" (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was agreed by NHS England, the following calculation has been made:

#### Methodology for Application 20/00311/OUT

1. Residential development of 100 dwellings
2. This development is in the catchment of Langport Surgery which has a total capacity for 10,600 patients.
3. The current patient list size is 13,515 which is already over capacity by 2,915 patients (at 128% of capacity).
4. The increased population from this development = 225
  - a. No of dwellings x Average occupancy rate = population increase
  - b.  $100 \times 2.25 = 225$
5. The new GP List size will be 13,740 which is over capacity by 3,140
  - a. Current GP patient list + Population increase = Expected patient list size
  - b.  $13,515 + 225 = 13,740$  (3,140 over capacity)
  - c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6
6. Additional GP space required to support this development = 15.75m<sup>2</sup>
  - a. The expected m<sup>2</sup> per patient, for this size practice = 0.07m<sup>2</sup>
  - b. Population increase x space requirement per patient = total space (m<sup>2</sup>) required
  - c.  $225 \times 0.07 = 15.75\text{m}^2$
7. Total contribution required = £50,400
  - a. Total space (m<sup>2</sup>) required x premises cost = final contribution calculation
  - b.  $15.75\text{m}^2 \times \text{£}3,200 = \text{£}50,400$  (£504 per dwelling).

#### **Environmental Health Officer:**

No adverse comment.

#### **County Rights of Way:**

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath L 13/52). I have attached a plan for your information.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to the following:

1. Specific Comments

We require a revision of the proposed layout to provide a link to path L 13/52. If this

is not possible, we require a contribution that would need to be secured through a s106 agreement in order to secure a link to the footpath.

## 2. General Comments

Any proposed works must not encroach onto the width of the PROW.

The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

## **Strategic Housing**

I am formally emailing you to provide the Strategic Housing requirements on this application were it to be permitted.



Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 35 units based on a development of 100 dwellings. These would be split as 25 dwellings for social rent and 10 (not 11 as detailed in the planning application) for shared ownership or other intermediate home ownership solution (this is a higher number of intermediate as the NPPF requires 10% of the site to be provided for affordable home ownership).

I would propose the following mix detailed below:

12 x 1 bedroom flat/house/bungalow (2 person)

14 x 2 bedroom house/bungalow (4 person)

7 x 3 bedroom house (6 person)

1 x 4 bedroom (8 person) (to be provided for social rent)

1 x 4 bedroom parlour house (8 person) (to be provided for social rent)

If this application is determined after the 28th December 21 (or 28 March 2022 if there has been significant pre application engagement) then the First Homes requirement will apply and the split will be as follows:

35% affordable housing which would be split 75:25 social rent: first homes. The NPPF also requires 10% of homes to be for affordable home ownership - 10% of 100 dwellings = 10 homes. So the 10 intermediate homes detailed previously should be provided as 9 dwellings for First Homes, 1 dwelling to be provided for shared ownership and the remaining 25 dwellings to be provided for social rent. The mix for the affordable dwellings will be the same as detailed above.

I have detailed below our prevailing minimum internal space standards which should also be adhered to for all affordable dwellings on the site:

1 bedroom flat

2 Person

47 sqm

2 bedroom flat

4 Person

66 sqm

2 bedroom house

4 Person

76 sqm (86 sqm if 3 storey)

3 bedroom house  
6 Person  
86 sqm (94 sqm if 3 storey)

4 bedroom house  
8 Person  
106 sqm (114 sqm if 3 storey)

4 bedroom parlour house  
8 Person  
126 sqm (134 sqm if 3 storey)

I note that the floor space for the proposed dwellings detailed in the design and access statement comply with the minimum internal space standards

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 5 clusters with social rented properties in each cluster. These affordable dwellings will form an integral and inclusive part of the layout.

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units:

LiveWest  
Magna Housing  
Stonewater Housing  
Abri

**Sport England**

No objection.

## REPRESENTATIONS

64 neighbours were notified, 127 letters of representation have been received, 119 objections, 5 in support and 2 representations.

### Objections

Summarised main concerns include:

**Ethical and environmental objections:** Building on agricultural land and encroaching on the Somerset Moors and Levels, which are vital habitats for rare wildlife, is not in line with green attitudes and preservation efforts.

**Strain on existing services:** Local amenities, including the surgery, schools, and dental services, are already stretched and may struggle to accommodate the increased population.

**Lack of employment opportunities:** The area lacks significant employment options, leading to potential traffic congestion as residents commute to nearby towns.

**Traffic congestion and safety implications:** The development is likely to increase traffic on narrow roads and could pose safety risks for pedestrians, particularly schoolchildren.

**Doubts about infrastructure promises:** Scepticism exists about the inclusion of promised infrastructure in the development, based on past experiences with unfulfilled developer commitments.

**Overdevelopment and environmental impact:** The area has already exceeded its development plan, and further development may negatively impact the environment, infrastructure, and local communities.

**Inadequate public transport:** The lack of sufficient public transport options may increase car dependency, contributing to traffic issues.

**Loss of agricultural land and biodiversity:** Concerns about the potential loss of valuable agricultural land and its impact on local biodiversity.

**Lack of consideration for local residents:** Some objections suggest that the proposed development prioritises financial gain for developers over the well-being of the existing community.

**Request for an extension in comment period:** Some residents feel that they were not given enough time to provide feedback on the proposal.

Overall, the objections raise significant doubts about the appropriateness and sustainability of the proposed development in Langport.

## **Support**

The letters of support for the application express the following points:

The proposed housing development would create short-term job opportunities for tradesmen and boost the local economy by attracting more people to live in the area, supporting local shops and businesses.

Some residents believe that the development would benefit Huish Episcopi and Langport by attracting more businesses and younger families. They see it as an opportunity to rejuvenate the area, which has an aging population, and potentially improve local infrastructure and public transport.

One letter is from a family that has deep roots in the Langport community but is currently struggling to afford their own home in the area. They view the development as a chance to fulfil their dream of owning a home in their hometown.

Another supporter emphasizes the need for affordable housing, aligning with government policy, and appreciates the sense of community in Langport.

Overall, the letters of support highlight the potential economic and social benefits of the housing development and its importance in addressing the demand for affordable housing in the area.

## **Representation**

The first letter, raises concerns about access to his land due to the proposed development. He requests occasional access via the new development from the carpark area to the north or from the spur road to the west to address potential access issues and avoid direct access onto the busy main road.

The second letter does not express outright objection to new homes but raises concerns about the scale of the development (100 homes) for the site. The writer is particularly concerned about the adequacy of infrastructure, such as schools, doctors,

and dentists, to accommodate the potential increase in population. They also inquire about proposed traffic calming measures, crossings, and the provision of affordable housing.

## **CONSIDERATIONS**

There are a number of key considerations in respect of this development and each of these are addressed below.

### **Principle of Development**

The starting point for consideration of this proposed development are the policies of the South Somerset Local Plan (SSLP). The site is located in an area that is defined in the SSLP as the Direction of Growth Policy LMT2:

### **POLICY LMT2: LANGPORT / HUISH EPISCOPI DIRECTION OF GROWTH**

The direction of strategic growth will be to the north, east, and south east of the settlement. All development must avoid coalescence with the settlement of Wearne. Development in the south east is appropriate for employment use only.

Of key consideration in the policy is that the development must avoid coalescence with Wearne situated to the north of this site.

The area of proposed residential development falls within the area indicated on the adopted Langport / Huish Episcopi Inset Map 8, maintaining separation with Wearne and is considered compliant.

The distance between the proposed development and the settlement of Wearne is approximately 230m providing a significant buffer preventing coalescence.

It is also the case that as per the guidance in the NPPF, relevant policies for the supply of housing are considered not up-to-date if the Council is not able to demonstrate a 5 year supply of housing. The Council currently does not have a 5 year supply of housing (as set out above, falling significantly below 5 years). Accordingly, policies insofar as its application to housing restraint policy, are not up-to-date.

As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, in terms of the principle of development the proposals are considered to be in accordance with the Development Plan and therefore the proposal is acceptable. However, if that were not considered to be the case then paragraph 11d of the NPPF is engaged as a result of the Council's deficient housing land supply and the application would be considered within the context of the tilted balance. Accordingly, this advises that planning permission should only be resisted where the adverse impacts would significantly and demonstrably outweigh any benefits of the scheme. The technical areas outlined in the remainder of this report in terms of achieving sustainable development have been overcome and therefore Officers consider that there are no adverse impacts which outweigh the substantial benefits.

### **Sustainability.**

At the heart of the NPPF is the key aim to achieve sustainable forms of development. The NPPF outlines 3 dimensions to sustainable development ie economic, social and environmental. Moreover, these are mutually dependent and all 3 should be sought jointly through the planning system. The applicant has made the case that this development would provide a sustainable residential development by providing a range of housing, open space, and acceptable highway access to the existing town.

It is considered that the development would importantly meet some of the District's housing needs (set within the context of a significant deficient land supply position and high affordable housing need) and provide economic spin offs.

In terms of the environmental role, it is considered that the development satisfactorily protects or enhances the natural environment. There are opportunities at the reserved matters stage to deliver environmental and biodiversity enhancements through the provision of new native hedgerows which will deliver a modest environmental improvement. The ecologist has raised no concerns in terms of the any harmful impact of the development on protected species and that the impact would be at least neutral and accordingly, it is considered that the environmental thread of sustainable development would be achieved with the approval of this development.

The proposal is considered to provide a mix of development and to provide housing and employment during the construction phase along with the contributions for appropriate infrastructure. This is a key element of the NPPF and would meet the economic role of sustainable development.

In terms of the social role, the development provides a policy compliant level of affordable housing against a demonstrable and significant affordable housing need.

It is also accepted that this development would help towards providing open space on site and via contributions that would help towards creating healthy communities. Most of the town's key services and facilities are located in the town centre and are readily accessible. The local schools are forecast to reach capacity and therefore, financial contributions are sought. Contributions are also sought towards local health care facilities. It is considered that the social role can be achieved by this development.

It is considered that the proposed development constitutes sustainable development as defined by the National Planning Policy Framework.

### **Residential Amenity and Privacy.**

It is considered that given the significant separation distances shown on the indicative master plan that a layout can be achieved that will not detract from the neighbouring residential properties' amenity and privacy.

While the design aims to respect the local character and minimise visual impacts, the effect on neighbouring properties' amenity and privacy would not be reduced and can be determined at the reserved Matters stage. Elements like landscape design, building heights, and orientation play crucial roles in determining the extent of impact on neighbouring properties which will be determined at the reserved matters stage.

Detailed assessments of these aspects will form part of the reserved matters planning application process, involving consultations with neighbouring residents. However, at the Outline Stage Officers consider that sufficient information has been provided which demonstrates that there is plenty of scope within the outline site to ensure that at the detailed design stage there will be no adverse residential amenity impacts. The submitted illustrative layout already demonstrates a sensitive approach to neighbouring properties from both an amenity and privacy perspective. Accordingly, Officers consider the proposals are compliant with Policy EQ2 in this regard.

### **Highways**

The proposals requests permission for up to 100 dwellings, access from Somerton Road (B3153) via a simple T-junction arrangement. The submitted access drawing demonstrates that an appropriate visibility splay of 43m in both directions can be achieved with the ability to tie into the existing pavement.

The application is accompanied by a detailed Transport Assessment which has been

considered by the Highway Authority.

The Highway Authority have assessed the application and, as can be noted from their comments outlined above, are now satisfied and do not raise an objection to the proposed development, therefore, no objection is raised by the Local Planning Authority.

Policy TA5 of the South Somerset Local Plan aims to ensure safe access and highway safety while managing traffic impacts. Whilst the NPPF makes clear that development proposals should only be resisted on highway grounds if there is an unacceptable impact on highway safety or severe cumulative impacts on the road network.

It is Officer opinion, supported by the Highway Authority, that the proposals do not give rise to an unacceptable impact on highway safety or severe cumulative impacts. There is no evidence of either and it would be unreasonable to resist this application on such grounds.

Both the Highway Authority and Officers consider that when considered against Policy TA5 of the Local Plan the proposals are in accordance with the provisions of that policy.

The Travel Plan is satisfactory and is to be secured by way of a s106 agreement. The required parking levels are outlined by the Highway Authority - however this is a matter that would be raised at the reserved matters stage when the detailed layout would be discussed. In respect of the design and layout of the estate roads, again this will be a matter for the reserved matters application, although it will be advisable to for the applicant to discuss this matter with The Highway Authority at an early stage. The Applicant is agreeable to a Travel Plan to be secured via the Section 106 should a resolution to grant be given.

### **Ecology and Phosphates**

The ecological assessment of the site revealed designated areas with grassland, woodland, and streams. Potential impacts on certain species like lapwings and golden plovers were highlighted due to reduced habitat availability. Despite this, the overall loss of habitats within the site was deemed not ecologically significant, requiring compensation for biodiversity maintenance.

Various species have been identified on or near the site, such as bats, hedgehogs, brown hares, nesting birds, reptiles, amphibians, invertebrates, and plants. Mitigation measures aimed at protecting these species during development require control by



use of conditions. For instance, avoiding vegetation clearance during bird nesting seasons, reducing risks to brown hares during construction, and safeguarding reptiles and amphibians by relocating them during habitat cutting phases.

Enhancement and compensation strategies are proposed, such as creating new hedgerows with native shrubs and trees, establishing grassland buffers, planting wildlife-friendly flora, and incorporating wildlife shelters into the site design. Additionally, measures to avoid invasive plant species and facilitate wildlife movement between gardens are required. Mitigation strategies are to be controlled by condition.

In summary, the assessment revealed potential impacts on local species and habitats, requiring detailed plans to mitigate these effects and enhance biodiversity.

SES have stated that there is no objection on ecology grounds subject to the addition of suitable conditions. Accordingly, Officers and SES consider that the proposals are compliant with Policy EQ4 of the Local Plan.

This mitigation strategy will be secured by way of a s106 agreement. SES and Natural England are supportive of the proposed Phosphate Mitigation scheme and sufficient control mechanisms can be enacted to control the delivery of the mitigation.

## **Phosphates**

The proposed development at Somerton Road, Langport aims to achieve phosphorus neutrality by implementing a comprehensive water efficiency retrofitting program in the Parratt catchment area. This program will target pre-2010 properties, with the required occupancy rates, to ensure a substantial reduction in total phosphorus (TP) discharge, effectively offsetting the entire TP load attributed to the new development.

To ensure continuous phosphorus neutrality, each new property will undergo mitigation measures before occupation. This will be achieved by either completing all necessary retrofits for the entire development before the first occupation or staging the retrofit delivery to ensure ongoing neutrality as new properties are occupied.

The implementation of the retrofitting program will be enforced through a planning condition. Abri, the responsible entity, will provide a schedule of works and documentary evidence to demonstrate completion in accordance with the strategy before the first occupation(s). Additionally, Abri commits to conducting regular inspections, maintenance, and replacements of fixtures and fittings throughout the 80-year design lifespan of the new development.

The proposed mitigation strategy assures both scientific and practical certainty that the phosphorus mitigation will be successfully delivered and maintained in perpetuity.

This mitigation strategy will be secured by way of a s106 agreement.

## **Landscape**

The site in Langport, Somerset, holds a distinctive landscape characterised by its juxtaposition between the Somerset Levels and Moors, alongside the Mid Somerset Hills. An overview of the landscape elements:

**Topography:** The area exhibits a varied topography. The Somerset Levels and Moors offer a flat, open expanse of wet pasture, arable land, and wetlands, crisscrossed by ditches or 'rhynes.' These flatlands are in contrast to the surrounding low hills, ridges, and islands, such as the Mid Somerset Hills, which form distinct skylines.

**Vegetation:** Sparse tree cover dominates the Levels and Moors, while the surrounding hills boast ash and maple woodlands, complemented by coppiced areas and occasional orchards. Hedgerows, a typical field boundary, divide the irregularly shaped fields.

**Watercourses:** The area is intertwined with watercourses like the Axe, Brue, Parrett, Yeo, and Isle rivers. These rivers drain into the Levels and Moors, contributing to the region's wetland character and supporting diverse ecosystems of wetland and wading birds, amphibians, and aquatic vegetation.

**Historical Significance:** The landscape bears a rich historical imprint, evident in its prehistoric trackways, post-medieval enclosures, and even ancient archaeological remains found within peat deposits and waterlogged soils.

**Human Settlements:** Langport, a compact town, stands out with a fairly narrow and bustling main street flanked by closely packed buildings. The town finds its setting just above the floodplain, with a historic planned aspect to its architecture, notably seen in buildings aligned along single streets.

**Cultural Heritage:** The region has strong ties to continuous human occupation since ancient times, reflecting a historical relationship between farming and the surrounding landscape. Traditional building materials like Blue Lias limestone are prevalent in the architectural heritage of settlements like Langport.

**Ecological Importance:** The biodiversity of the area is notable, marked by

designated Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Ramsar sites, and local nature reserves. These areas support significant populations of wetland and wading birds, invertebrates, and wetland mammals.

**Farming and Land Use:** Grazed pasture, cattle farming, and limited sheep and dairy farming remain the primary land uses. The farmlands exhibit a mix of field types, reflecting a historical pattern of agriculture in the region.

This landscape is characterised by a balance between natural environments, historical significance, human settlements, and agricultural practices. The development site, an irregularly shaped agricultural field, sits amidst this varied tapestry, requiring careful consideration to preserve the area's unique landscape elements while accommodating new development.

**Compatibility and Visibility:** It is considered that the proposed development would align well with the existing pattern of development in the area. It's projected to be visible only from locations where other developed areas already dominate the views.

**Mitigation Measures:** With appropriate mitigation strategies in place, it is considered that the development would not adversely affect the quality, character, diversity, or local distinctiveness of the natural environment. Additionally, it is anticipated that the proposed measures could prevent any unacceptable impacts on the living conditions of nearby property occupants.

**Sensitivity to Development:** While the site has been categorised with a 'moderate' sensitivity to development based on the SSDC landscape study, it acknowledges the need for strategic green infrastructure and landscape provisions to integrate the development sensitively into the surrounding rural landscape. This will be considered at the Reserved Matters Stage.

It is concluded that the site forms a logical location for residential development and a suitable extension to Langport. Development of this site would be compatible with the existing pattern of development within the area and would only be visible from locations where areas of development already dominate the composition and character of views.

With the proposed mitigation measures in place it has been concluded that there would be no adverse impacts on the quality, character, diversity or local distinctiveness of the natural environment; and furthermore the development. Accordingly, the proposals are considered to be compliant with the requirements of Policy EQ2 of the Local Plan and therefore acceptable in landscape terms.

## **Flooding/Drainage Issues**

The development is located in Flood Zone 1, not prone to flooding up to the 1 in 1000 year return period flood from fluvial sources.

The accompanying Flood Risk Assessment states that the surface water strategy will be designed to manage runoff up to and including the 100-year critical storm event, safeguarding against the upper end allowances for climate change (40%). It is proposed to attenuate discharge of surface water due to the absence of site-specific soakaway testing, with a recommendation for future testing compliant with BRE Digest 365. The proposed drainage strategy includes private and adoptable networks, detention basins, attenuation ponds, and hydraulic controls.

Attenuation features (ponds/basins) will be sized to accommodate up to the 100-year return period storm with allowances for climate change, incorporating freeboard allowance and promoting biodiversity.

The LLFA have assessed the FRA and are satisfied that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is not increased. Based on the submitted FRA and the agreement of the LLFA in relation to the control of surface water, it is considered that subject to conditions the development can be satisfactorily mitigated in terms of flood risk and will pick up the exact design mitigation strategy at the Reserved Matters Stage.

The LLFA and Officers consider that the proposal is compliant with the requirements of Policy EQ1 of the Local Plan.

## **Loss of Agricultural Land**

The development would result in the loss of agricultural land. The Agricultural Land Classification map shows that the majority of the site is graded as medium quality Grade 3b and with Grade 2 on part of the north west side of the site. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. The loss of agricultural land is an important consideration although in this case given the allocation of the site within the Local Plan for residential development and the thorough assessment of the site through the adoption of the Local Plan it is considered not sufficient to be a material consideration of significant weight.

## **Other issues**

Concern has been raised that the local schools are at full capacity and would not be able to expand to accommodate the likely anticipated number of children that would result from this development. The County Education Officer has confirmed in commenting upon this application that the local Primary school is forecast to reach capacity while the preschool has capacity. He also confirmed that the secondary school is forecast to reach capacity. In order to mitigate against the impact of the development, contributions have been sought by the Education Officer. The applicant has indicated that full contributions for the primary and secondary will be provided. It is considered that this will satisfactorily mitigate against the impacts of the development in terms of educational need.

## **Community Infrastructure Levy**

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

## **Conclusion**

As set out within this report the principle of residential development on this Site is considered to be acceptable by virtue of its compliance with Policy LMT2 of the adopted Local Plan. It has also been demonstrated that there are no policy conflicts arising from other policies relevant to other technical considerations (archaeology, ecology, highways, landscape etc), accordingly the application is considered to be in accordance with the Development Plan when read as a whole. Planning Law makes clear that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.

While local objections are noted, statutory consultees have not raised substantial concerns. The identified harm (conflict with settlement related policies) are not agreed with by Officers and in any event deemed insufficient to outweigh the benefits when considering the "tilted balance."

It is the case that the Council is unable to demonstrate a 5 Year Housing Land supply. The absence of a five-year housing supply in Somerset triggers a specific measure from the National Planning Policy Framework (NPPF). This "tilted balance" dictates that if there are no current policies restricting development, approval should be granted unless the adverse impacts significantly outweigh the benefits. Therefore

in the event that a conflict is identified, contrary to the view of Officers, the application would be considered in respect of the tilted balance and therefore given that there are no demonstrable harms identified, the proposal is considered to be acceptable with the tilted balance engaged as the harms do not significantly and demonstrably outweigh the benefits.

The Council considers the proposal to be in accordance with the Development Plan when read as a whole. However, in addition, the Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 100 dwellings in this sustainable location.

The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, LMT1 HG3, TA1, TA4,TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, and the aims and objectives of the NPPF.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Subject to the grant of planning permission for this outline permission, the application be approved subject to:-

The prior completion of a section 106 planning obligation, in a form acceptable to the Council's solicitors, before the decision notice granting planning permission is issued, the said planning permission to cover the following items/issues:

1. Phosphate Mitigation
2. The provision of affordable housing
3. Highway infrastructure and works.
4. Education contribution
5. Travel Plan
6. Management of Public Open Space
7. NHS Contributions

## **RECOMMENDATION**

Approve subject to a s106 agreement securing the above provisions and conditions

to ensure that the development proceeds in a manner that protects public interest while meeting regulatory requirements.

**SUBJECT TO THE FOLLOWING:**

01. The Council considers the proposal to be in accordance with the Development Plan when read as a whole. However, in addition, the Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 100 dwellings in this sustainable location.

The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, LMT1 HG3, TA1, TA4,TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

REASON: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

02. The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved wherever is the latest.

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

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with the provisions of the Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 (2) of the Planning and Compulsory Purchase Act 2004).

04. The decision relates to the following plans:

- Site Location Plan - Ref: 200203-L-01-01 Rev A
- Preliminary Access Arrangements - Ref: 01-PHL-1001 Rev A

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

05. The development hereby permitted shall be restricted to no more than 100 dwellings.

REASON: To avoid any ambiguity as to what is approved.

06. The applicant, or their agents or successors in title, must secure the implementation of the programme of archaeological work in accordance with the previously submitted Written Scheme of Investigation (WSI) Land off Somerton Road, Langport, Somerset: Written Scheme of Investigation for a programme of archaeological works, AC Archaeology August 2023. The archaeological work must involve the archaeological field investigation (excavation), the recording of the heritage asset, the analysis of evidence recovered from the site, the production of an assessment report and Updated Project Design (if required), the further analysis proposed within the UPD and the publication of the results.

REASON: The agreement of archaeological works associated with the development is fundamental to enable the recording of any historical or archaeological interest, having regard to the requirements of Policy EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. The vehicular access into the site hereby approved shall not be brought into use until it has been constructed in accordance with drawing 01-PHL-1001 Rev A - PRELIMINARY ACCESS ARRANGEMENTS. The vehicular access shall thereafter be permanently retained in accordance with the approved drawings.



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

08. No occupation shall commence until the visibility splay shown on drawing 01-PHL-1001 Rev A - PRELIMINARY ACCESS ARRANGEMENTS has been provided. There shall be no on-site obstruction within the visibility splay greater than 600 millimetres above the adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. The visibility splay shall be retained permanently thereafter.

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

09. No individual dwelling shall be occupied until it is served by a properly bound and compacted footpath, carriageway and turning space(s) where applicable to at least base course level between the dwelling and the existing adopted highway.

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

10. The dwelling hereby permitted shall not be occupied until parking spaces for the dwellings, and suitable turning heads have been provided in a position approved by the Local Planning Authority. The said spaces and turning facilities, and access thereto, shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. The proposed estate roads, footways, footpaths, cycleways, 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, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the

design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

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

12. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.
  - b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.
  - c) Measures to avoid traffic congestion impacting upon the Strategic Road Network.
  - d) A plan showing the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.
  - e) A schedule and location plan for the delivery, removal, loading and unloading of all plant, waste and construction materials to and from the site, including the times of such loading and unloading; details of how deliveries and removals, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway with guidance of a trained banksman.
  - f) Arrangements to receive abnormal loads or unusually large vehicles.
  - g) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours.

- Procedures for emergency deviation of the agreed working hours shall be in place, the details of which shall be agreed with the Local Planning Authority.
- h) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.
  - i) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.
  - j) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, together with the regular use of a road sweeper for the local highways.
  - k) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.
  - l) Details of any piling (if necessary) together with details of how any associated vibration will be monitored and controlled.
  - m) The location and noise levels of any site electricity generators.
  - n) Management of surface water run-off from the site in general during the construction period.
  - o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
  - p) A scheme to encourage the use of Public Transport amongst contactors.
  - q) Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site.
  - r) Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison (including with the Highway Authority and the Council's Environmental Protection Team).

The development shall thereafter be constructed in accordance with the approved CEMP.

**REASON:** The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection to minimise

disturbance to residents; the prevention of harm being caused to the amenity of the area; and in the interests of highway safety during the construction process having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

13. No development shall commence, including demolition, groundworks or vegetation clearance until a Biodiversity Management Plan (BMP) and a Risk Avoidance Measures Methods Statement (RAMMS) have been submitted to and approved in writing by the Local Planning Authority. The BMP shall include the following:
- (a) Risk assessment of potentially damaging construction activities.
  - (b) Identification of "biodiversity protection zones".
  - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones, etc
  - (d) Details of the pre-works walkover surveys (badger, otter, etc), as recommended in the EcIA provided by South West Ecology (Dec 2020).
  - (e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - (f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - (g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
  - (h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council's Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases).
  - (i) Use of protective fences, exclusion barriers and warning signs.
  - (j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved details within the BMP shall be strictly adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved RAMMS strategy.

**REASON:** The agreement of details of a Biodiversity Management Plan and a Risk Avoidance Measures Method Statement strategy prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection and prevention of harm being caused to the amenity

of the area, having regard to Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF, and In the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

14. All garaging, vehicular and bicycle parking and turning spaces shall be provided, laid out, properly consolidated, surfaced, drained and (where appropriate) delineated in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes.

REASON: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining roads, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

15. The development hereby approved shall not be occupied until provision for the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To provide adequate provision of on-site refuse and recycling storage to serve the proposed dwellings to ensure that any impact on visual and residential amenity is kept to a minimum, having regard to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

16. No development shall commence until a 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 scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

REASON: To ensure that the development is served by a satisfactory system of surface water drainage and the approved system is retained, managed and maintained throughout the lifetime of the development in accordance with the NPPF and the Technical Guidance to the NPPF.

17. 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 occupation and thereafter maintained at all times.

REASON: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

18. No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

19. The landscaping scheme submitted in accordance with Condition 1 of this outline grant of planning permission shall include the following details:
  - a. Planting plans (to a recognised scale) and schedules indicating the location, numbers of individual species, density, spacings, sizes, forms, root types/root volumes and size of proposed tree, hedge, and shrub. All planting stock must be specified as UK-Grown, unless otherwise previously agreed in writing by the Local Planning Authority.
  - b. The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, tree pit design, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.
  - c. Written specifications including cultivation and other operations associated with tree, plant and grass establishment.
  - d. Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).

- e. The position, design, materials, means of construction of all site enclosures and boundary treatments(e.g. fences, walls, railings, hedge (banks)), where appropriate;
- f. An on-going management and maintenance plan of all the approved landscaping features; and
- g. A timetable for the implementation of the approved hard and soft landscaping scheme.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation (within the dormant planting season between November to February inclusively) and shall thereafter be protected, managed, and maintained in accordance with the approved scheme.

REASON: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

20. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage and/or parking space. Such provision shall be in accordance with details indicating siting, numbers, design, rating and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

21. No removal of hedgerows, trees or shrubs, or works to or the demolition of buildings or structures 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 or works to or demolition of buildings commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

REASON: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

22. Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of any development on site. The BEP shall include those measures as detailed within the submitted Ecological Impact Assessment: South West Ecology (December 2020).

REASON: In the interests of biodiversity in accordance with the NPF and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

23. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives.
  - e. Prescriptions for management actions.
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g. Details of the body or organization responsible for implementation of the plan.
  - h. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial



action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**REASON:** In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

24. The Development shall not commence until a Lighting Strategy for Biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - (b) show how and where external lighting will be installed (through the provision of appropriate 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 breeding sites and resting places; and
  - (c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux . Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

**REASON:** In the interests of biodiversity and the protection of European Protected Species in accordance with NPPF, ODPM Circular 06/2005 and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

25. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

**Informatives:**

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

All works within the highway will be designed in agreement with this Authority and contained within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

02. Pollution Prevention During Construction  
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
  - wheel washing and vehicle wash-down
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.

## Environment Management

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

## Car Parking

The operator should install a petrol interceptor if the discharge serves any of the following areas to prevent pollution to the water environment:

- Car parks typically larger than 800m<sup>2</sup> in area or for 50 or more car parking spaces.
- Smaller car parks discharging to a sensitive environment.
- Areas where goods vehicles are parked or manoeuvred.
- Vehicle maintenance areas.
- Roads.
- Industrial sites where oil is stored or used.
- Refuelling activities.
- Any other area at risk from oil contamination.

## Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506917/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf)

If waste is to be used on site, the applicant will need to ensure they can

comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...'. Meeting these criteria means the material is not waste and permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed as (insert <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>)

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL: ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

### 03. Biodiversity Net Gain

This is a large development and consideration should be given to making contributions for environmental gains, either on or off-site. This aspiration already in the NPPF is now further supported by the 25 Year Environment Plan. This sets an expectation for development including housing and infrastructure,

by all organisations and individuals, that will help deliver Biodiversity Net Gain.

04. CIL

Please be advised that approval of this application by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. Somerset Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details Somerset CIL (<https://www.somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/>) or email [cil@somerset.gov.uk](mailto:cil@somerset.gov.uk)

05. Birds

The developer/applicant is reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity. In the event that vegetation removal will be taking place then further consultation must be sought prior to this.

Bats

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

06. Rights of Way

1. Specific Comments

We require a revision of the proposed layout to provide a link to path L 13/52. If this is not possible, we require a contribution that would need to be secured

through a s106 agreement in order to secure a link to the footpath.

## 2. General Comments

Any proposed works must not encroach onto the width of the PROW. The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

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