

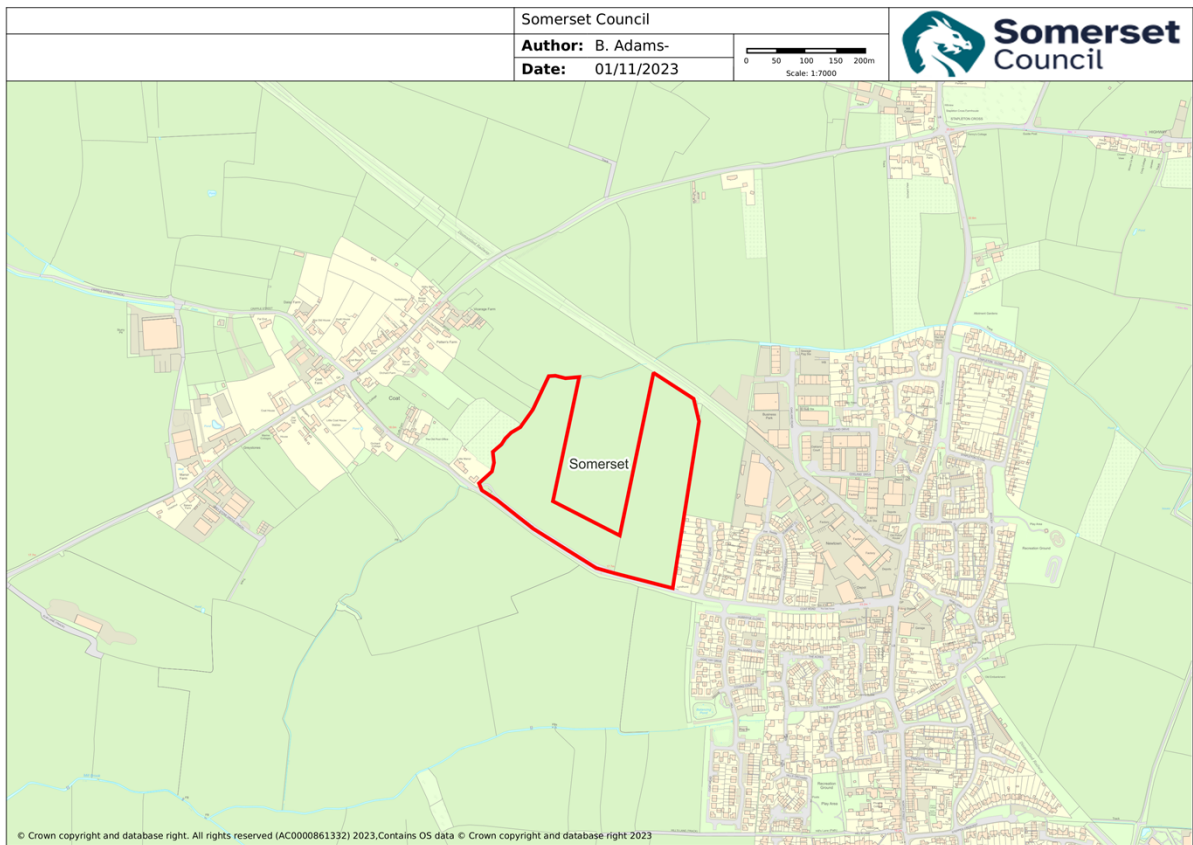
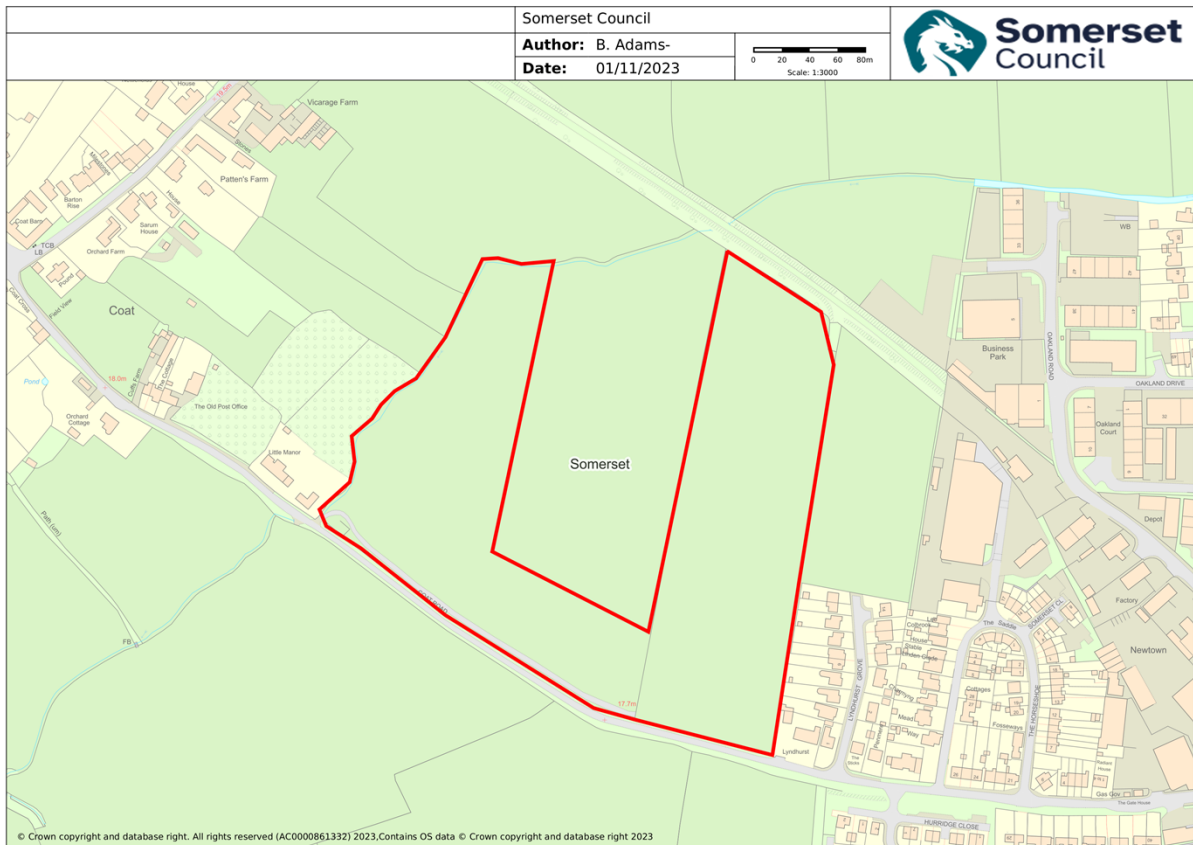
## Officer Report On Planning Application: 21/01035/OUT

<b>Proposal:</b>	Outline application for up to 100 dwellings with associated works including access, public open space and landscaping.
<b>Site Address:</b>	Land OS 6925, Coat Road, Martock, Somerset,
<b>Parish:</b>	Martock
<b>MARTOCK Division</b>	Cllr L Clarke Cllr N Bloomfield
<b>Recommending Case Officer:</b>	Colin Begeman (Principal Specialist)
<b>Target date:</b>	25th June 2021
<b>Applicant:</b>	Mr W J Pearce & Martock LVA LLP
<b>Agent: (no agent if blank)</b>	Mrs Claire Alers-Hankey GTH Winchester House Deane Gate Avenue TAUNTON TA1 2UH
<b>Application Type:</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

In compliance with Somerset Council's Scheme of Delegation this is a major planning application and is required to be referred to the South Planning Committee for determination on the basis that the officer recommendation is contrary to the Parish Council's views.

# SITE DESCRIPTION AND PROPOSAL



The application site is a 6.11 ha parcel of land located in the Rural Centre (adopted Local Plan Designation) of Martock, to the northwest of the settlement on the northern side of Coat Road. It is adjacent to the established built-up area of the village and is bounded by native species hedgerows. The topography of the site is relatively flat, and it is currently used as grassland (permanent pasture).

The site has road frontage along the southern boundary with proposed vehicular access onto Coat Road. There are no public right-of-way paths across the site. It is situated in flood zone 1, which is the lowest category of flood risk, and there are no known heritage or environmental designations on the site.

The site is rectangular in shape and gently slopes westward. It is bound by native hedgerows, mature trees, and an earth bank, with an existing watercourse outside the application boundary along the northwest boundary.

The location of the site offers pedestrian access to local facilities, including a primary school, amenity stores, community sports fields, and public open spaces, all within a 15-minute walk. There are no continuous footpaths from the edge of the site to the village centre. To the east of the site, there is an existing urban development parcel and Martock Industrial estate, while to the southwest, there is a Barratt Homes development nearing completion.

This is an outline application with all matters reserved apart from the access. The application proposes the development of a 6.11-hectare site in Martock, consisting of up to 100 dwellings, with up to 35% of them being affordable housing. The plan includes the creation of a new vehicular access from Coat Road, public open spaces, and landscaping buffers. The proposed layout focuses on a mix of residential house types and sizes and emphasises ecological and community benefits such as meadow parkland, community orchards, play areas, and wetland habitats. The development aims to enhance the ecological and biodiverse value, provide pedestrian links between Coat and Martock, and implement a Sustainable Urban Drainage System (SUDS). Access to the site will be from the southeastern corner through Coat Road, and the layout emphasises a safe and pedestrian-friendly environment while addressing parking needs. The architectural design is expected to be simple, contemporary, and complementary to the local character, with an emphasis on sustainability and integration with the landscape. Boundary treatments will delineate public and private areas within the development.

## **HISTORY**

There is no planning history for this site.

Pre application advice was sought: 20/01787/PREAPP response 11/09/2020.

The advice provided was generally positive in light of the LPA's lack of a five-year housing land supply. The advice confirmed that Martock was a sustainable location for the proposed residential development. It highlighted that any application should consider the scale of development (pre-app proposed 120 dwellings) relative to housing targets and coalescence with neighbouring villages. It also emphasised the need for careful design and landscaping, retention of hedgerows, and consideration of ecological concerns. Additionally, the advice highlighted the importance of assessing traffic conditions, safety, and parking, as well as planning for suitable access and infrastructure. Furthermore, it emphasised the need for a comprehensive flood risk assessment, sustainable drainage systems, and consultation with relevant authorities and organisations to ensure proper surface water management.

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

SD1, SS1, SS2, SS4, SS5, SS6, HW1, TA1, TA5, TA6, EQ1, EQ2, EQ3, EQ4

National Planning Policy Framework

Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15, 16

Martock Parish Neighbourhood Plan

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

Policy-related Material Considerations  
Somerset County Council Parking Strategy  
Somerset County Council Highways Development Control - Standing Advice

National Design Guide

## **CONSULTATIONS**

### **Martock Parish Council:**

Martock Parish Council objects to the planning application for several reasons as summarised:

The proposed development undermines the Local Plan Settlement Strategy, exceeding the housing target by almost 100% and approaching the size of primary market towns.

Martock lacks the necessary facilities to support a sudden growth of 450 houses in less than a decade, which would also exacerbate the existing high out-commute rate.

Concerns about the development's impact on the landscape, particularly regarding visual sensitivity, the blocking of key views, and the preservation of the Green Gap as per the Neighbourhood Plan.

The development on heritage sites and the removal of valuable agricultural land.

Concerns about environmental assessments regarding phosphate nutrient levels and biodiversity.

Highlights issues with pedestrian, wheelchair, and cyclist access, high housing density, insufficient SuDs (Sustainable Drainage Systems) planning, road suitability for increased traffic, and congestion at critical junctions.

The proposed development conflicts with the planned development schedule for the area and that Martock has demonstrated an adequate housing supply, thus requiring adherence to local planning policies.

In addition, Martock Parish Council have submitted a technical report in support of

its objection.

### **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 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 (which I note was also detailed in the planning statement):

- 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 (I note that this was also referred to in the planning statement):

- 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 just wanted to mention that point 6.1.16 of the planning statement only mentions 6 x 1 bed units and not the 12 units detailed in the proposed affordable housing mix.

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:

Abri  
LiveWest  
Magna Housing  
Stonewater Housing

## **LLFA**

Based upon the information received, Somerset Council as the LLFA advises the LPA that the proposed development is now considered acceptable for outline planning subject to conditions.

## **Planning Policy:**

The initial planning policy advice provided in June 2021 addressed the outline planning application. The summary of the key points from that advice:

*Monitoring:* It was noted that a significant number of dwellings have already been delivered or committed in Martock/Bower Hinton, potentially exceeding the local plan target.

*Policy Context:* The South Somerset Local Plan 2006-2028 classifies settlements into tiers, with Martock/Bower Hinton identified as a Rural Centre. Policies SS1 and SS5 of the Local Plan set out development expectations for Rural Centres and emphasize sustainable growth.

*Excess Growth:* Granting permission for this application would result in a level of growth that exceeds the requirement for Rural Centres and is more in line with higher-tier Local Market Towns.

*Local Plan Review:* The emerging Local Plan Review proposed a housing allocation north of Coat Road, Martock, with 55 dwellings. The Local Plan Review targets a total of 330 homes over its plan period.

*Neighbourhood Plan:* The Martock Neighbourhood Plan (MNP) became part of the development plan on 3rd June 2021. The MNP was adopted over two years ago, it does not allocate specific housing sites although it supports development in specific areas, including MB1.

In the update provided in July 2021, it was noted that South Somerset District Council could not demonstrate a five-year housing land supply due to a recent appeal decision. This triggered the "tilted balance" in the National Planning Policy Framework (NPPF), which emphasises the need for housing development.

Regarding the Martock Neighbourhood Plan, it was clarified that it does not fall under the criteria of NPPF Paragraph 14, as it does not allocate specific housing sites. Instead, it supports development in certain areas, including MB1, based on certain criteria and policies.

The decision-making process for the planning application was to be guided by the policies within the adopted South Somerset Local Plan, the 'made' Martock Neighbourhood Plan, and the specific context created by the lack of a five-year housing land supply.

In summary, the advice emphasised that the proposed development would exceed the housing requirements for a Rural Centre, and the decision should consider relevant policies in the Local Plan, the emerging Local Plan Review, and the Martock Neighbourhood Plan, which was the most recent addition to the development plan. The update further noted the application's context in light of the tilted balance due to the inability to demonstrate a five-year housing land supply which reduced the weight that could be placed on the adopted Local Plan and the Neighbourhood Plan. Since Local Government Reorganisation work has stopped on the Local Plan Review



and very limited weight if any can be attributed to the Local Plan Review.

### **Public Open Space**

The plans identified on the "Illustrative Masterplan" show approx. 0.54ha of Public Open Space (POS) on the section of the development with the built form alone, therefore, not including the areas to the west of the development, there is an amount in excess of the required 0.39ha for a development of this size.

Whilst the majority of these areas included in the measurement above comprise of buffer land around the edge of the built form, we are encouraged to see a larger area centrally located and accessible by all residents on the site. Our only concern going forward would be that currently there is no LEAP included on these plans and this would probably be the natural location for one, however, this would detract from the usability of the area as POS and it would be a shame to lose this from that purpose.

If it were to remain without a LEAP, we would like to see it designed as a village green area, perhaps with metal bow top fencing and features making it useable for public and community events, such as lighting and electricity outlets.

We are further encouraged by the large amount of additional POS to the west of the built form, and whilst the balancing ponds wouldn't be considered useable POS, as the whole area is surplus to requirement, we are not concerned here, but would like to see further design of the area as if done carefully, the ponds and their surroundings could still be enjoyable and beneficial areas of POS for the residents and the wider community in Martock.

The proposed orchard is also a very welcoming feature which, as well as providing further POS, would be of great benefit to the residents and we are pleased it has been included.

We would be happy for this scheme to proceed with the current plans and would have no objections, but just asking the developer to be mindful of our comments concerning a LEAP on site and its location, as well as the balancing ponds and their surrounding environments as POS.

### **SCC Highway Authority:**

No objections subject to conditions.

While the Travel Plan at this stage has deficiencies the plan will need to be secured

via a s106 agreement and can be rectified at this stage.

**Environmental Health:**

No objection subject to conditions

**Designing Out Crime**

No objections subject to comments

**Education**

100 dwellings in this location would generate the following number of children for each education type.

9 early years pupils, 32 primary pupils and 14 secondary pupils.

In accordance with the current cost to build these pupil numbers would require the following education contributions to ensure that SCC as education authority will be able to build sufficient capacity to ensure there are spaces for the children from this development.

£153,666.00 for the new early years facility at Martock Primary

£546,368.00 for Martock Primary

£348,054.00 for Stanchester Academy secondary.

**Somerset Ecology Services:**

No objection subject to conditions.

**Archaeology:**

The Somerset Historic Environment Record shows this area as being covered by widespread traces of ridge and furrow cultivation. However, the application site does lie in close proximity to an area (to the south east) where recent excavation has identified extensive evidence for prehistoric and Roman settlement remains. It is therefore possible that the ridge and furrow is masking earlier activity.

For this reason, I recommend that the developer be required to archaeologically investigate the application area heritage asset. This is likely to require a geophysical survey and, depending on the results, a field evaluation as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

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

and:

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

#### **Natural England:**

No objection subject to securing the phosphate mitigation by way of a s106 agreement

#### **REPRESENTATIONS**

85 neighbours notified. 80 objections received.

All third-party representations are available in full on the Council's website.

Summary of objections:

**Non-Alignment with Local Plans:** The application does not align with the SSDC Local Plan or the Martock Plan, failing the NPPF Sustainability Tests for Economic, Social, and Environmental aspects.

**Infrastructure and Location Concerns:** Concerns are raised about the lack of infrastructure coordination and identification, as well as the application's unsuitability in terms of location and timing.

**Overprovision of Homes:** It is believed that the proposed development would result

in an excessive number of homes for Martock, potentially harming the local community rather than strengthening it.

**Encroachment on Green Gap:** The development encroaches upon the Green Gap outside the Martock boundary, which is meant to protect the natural environment.

**Drainage and Safety Issues:** Concerns are raised about sewage, surface water management, and the impact on Furbers Rhyne in the Green Gap field. Safety issues related to public access to the attenuation pond are also mentioned.

**Outdated Data and Increased Car Travel:** The transport report is criticised for using data from February 2021, which was distorted due to the lockdown. The increase in car travel due to the development is a concern.

**Healthcare Capacity:** Martock Surgery's capacity and patient load are questioned, with doubts about whether increasing the number of doctors will solve the issue.

**Strain on Infrastructure:** Residents express frustration with the volume of recent and proposed developments in Martock, leading to concerns about the village's ability to cope with increased demand on services, traffic congestion, and loss of green spaces.

**Environmental Impact:** Environmental concerns are raised, including potential negative effects on wildlife and the increase in pollution due to more vehicles.

**Community Impact:** Opposition to the proposal's impact on the character of the village and the sense of community is expressed.

**Flooding and Drainage Concerns:** Concerns about potential flooding due to the development's impact on drainage are mentioned.

**Landscaping and Future Development:** The objections also point out discrepancies in the landscaping plans and express concerns about the potential for future development of currently undeveloped areas.

**Lack of Local Job Opportunities:** Concerns are raised about the lack of local job opportunities to support the proposed development and the likelihood of commuters moving in.

**Inadequate Public Transport:** Concerns are raised about the inadequacy of the public transport system and the potential for increased traffic congestion through

nearby villages.

**Impact on Carbon Neutrality Goal:** The application is criticized for potentially hindering SSDC's goal of becoming carbon neutral by 2030 due to increased car usage and reduced green space.

In summary, the objections primarily revolve around concerns related to the impact of the proposed development on the environment, infrastructure, community, and the overall suitability of the proposal within the context of existing plans and the local area's needs and capabilities.

## **CONSIDERATIONS**

### **Principle of Development**

Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres.

The presumption in favour of sustainable development and how this should be applied to planning decisions is discussed in more detail at paragraph 11 of the NPPF. At 11 (d), the framework states that where the policies most important for determining the application are 'out-of-date' planning permission should be granted. Footnote 8 confirms that a failure to demonstrate a five year supply of housing and the requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.

The matter of housing land supply has been the subject of scrutiny and it has been consistently concluded that that the Council is not able to demonstrate a 5-year supply of housing land. The most recent Council published position (October 2023) is that the supply position in South Somerset stands at 3.29 years. However, Officers have recently agreed in connection with an appeal at Yeovil which is proceeding to Inquiry in January 2024 a range below 3 years.

Paragraph 11di) outlines instances where other policies within the NPPF provide a clear reason for refusing development. It is considered that there are no such policies which are engaged for this Site and therefore paragraph 11di) is not engaged.

The presumption in favour of sustainable development as set out at Paragraph 11 d)ii) of the Framework is therefore fully engaged and that planning permission should be

granted "unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

The weight given to the Martock Neighbourhood Plan policies for decision making is subject to consideration under Paragraph 14 of the NPPF. The advice provided by the Council's Planning Policy section is that limited weight can be applied because three of four criteria (a-c) are not engaged.

Although of limited weight the Local Plan Review had identified this site MB1 as a potential residential site with a capacity of 55 dwellings which is supported in the Martock Neighbourhood Plan.

The site has been identified in the Martock Peripheral Landscape Study 2008 as an area of moderate landscape sensitivity.

Taking into account that Martock is considered a sustainable settlement when having regard to the requirements of Policy SS1 of the South Somerset Local Plan, which identifies Martock as a Rural Settlement and weighing this against the lack of a demonstrable 5 year housing land supply it is considered that in principle that the development is acceptable provided the proposal is not outweighed by any adverse harm created.

## **Highways**

Policy TA5 of the South Somerset Local Plan aims to ensure safe access and highway safety while managing traffic impacts. According to Chapter 9 of the NPPF, development should only be rejected on highways grounds if there's an unacceptable impact on safety or severe cumulative impacts on the road network.

The proposal requests permission for up to 100 homes, accessed from Coat Road, with specifics reserved except for access. It includes a T-junction for vehicles, a 1.8m wide footpath on the east side, connecting to off-site pedestrian enhancements.

The access road will have a 5.5m wide carriageway and a 1.8m wide footpath. Visibility guidelines will be followed based on recorded speeds. There's a plan for a 1.8m footpath linking the site access to existing pedestrian infrastructure at The Horseshoes, aiding movement with features like dropped kerbs and tactile paving.

Regarding layout and parking, the design prioritizes pedestrians and cyclists, complying with parking strategies. The final parking details will be decided in the future.

Anticipated traffic impact suggests a relatively small increase during peak hours, with most traffic turning left and minimal effect on the highway network.

Assessments indicate no severe impact on junctions due to added traffic. Traffic projections use 2018 counts for future estimates, aligning with NPPF requirements.

The site offers a sustainable location with safe access, minimal impact on roads, meeting transportation guidelines.

The Highway Authority has considered the proposals and is content with the highway aspects of the scheme, including that the Site offers a sustainable location for development, with safe access, minimal impact on roads, meeting transportation guidelines subject to the imposition of planning conditions and obligations (including a Travel Plan) all of which are included within the recommendation.

In summary, the proposal aligns with policy requirements, with expected traffic well within acceptable limits. The footpath width on Coat Road needs to be at least 2m, and the proposed agreement involves the Highways Act for necessary works.

In conclusion, the proposals are considered by the Highway Authority and Officers to be compliant with the requirements of Policy TA5.

### **Scale and Appearance**

While this is an outline application to determine principle of the development and access, reserving appearance, landscaping, layout and scale a master plan has been submitted and based on this it is possible to make comments.

The proposed development site is situated on the north-western fringes of Martock. It comprises two fields: one to the east, adjacent to settlement fringes, and another to the west. The eastern field is the focus for the housing development, allocated within the Local Plan Review.

Section 72 of the Listed Buildings and Conservation Act Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The desirability of preserving or enhancing the area is a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

The site is near Coat, a linear settlement to the north-west, recognised as a Conservation Area. Martock and Bower Hinton, recognised Conservation Areas, are approximately 675m to the south-east. There are scattered Listed Buildings in Coat and Martock. It is considered by Officers that there would no harm arising from the proposed development to these assets given the proximity and ability to experience these assets from the Site and accordingly the proposals are compliant with Policy EQ3 of the South Somerset Local Plan.

The fields are flat to very gently sloping, currently used for pasture. A thick band of trees and shrubs separates the two fields, running roughly north to south. The landscape includes hedgerows, minor roads, residential fringes, and industrial buildings in various directions. Views towards Martock show a valley defined by low hills, with housing expanding from the medieval core.

The development includes up to 100 dwellings with car parking and private gardens. Vehicular access is from the south-east off Coat Road. Extensive public green spaces are proposed, focusing on the western part, with community orchards and ecological enhancement areas. The housing will occupy the eastern field, adjacent to existing housing, and will be surrounded by significant additional planting and open space.

The proposed development site falls within the Silts and Marls Low Hill Country landscape character zone. Surrounding landscape zones include Moors and Islands, Settlements, and Lower Lias Clay Vales, Rivers, and Floodplains.

The area is described as having a mix of arable land, orchards, and rolling hills, with some weak hedgerows and scattered trees. Martock is characterised by its vernacular architecture, thatched roofs, and prominent church towers.

The development aims to integrate into the surroundings by retaining existing boundary vegetation and introducing new planting.

Design elements are focused on reducing the visual impact, such as the placement of housing, landscape buffers, and the creation of footpaths and open spaces.

Mitigation measures include orchard and meadow planting, infill planting of native trees and shrubs, and the creation of diverse habitats for nature conservation.

Conclusion:

Despite being close to Conservation Areas and Listed Buildings, efforts are made to minimise the development's visual impact and maintain the area's character.



The proposed housing will be located within existing vegetation and supplemented by additional planting, limiting its landscape and visual effects.

Overall, the development aims to blend into the landscape without dominating views or altering the area's character significantly.

The proposed development aims to integrate into the existing landscape and nearby urban fabric while providing an extension to Martock that respects the local character

The masterplan and layout shows:

*Site Area:* 6.11 hectares with up to 100 dwellings (including up to 35% affordable housing).

*Public Open Space:* Emphasis on providing extensive open spaces, community facilities, wetlands, orchards, and pedestrian links.

*Layout:* Higher density housing toward the east, transitioning to lower density homes toward the conservation area in the west. Different housing types arranged in clusters across the site.

## **Appearance and Design**

*Building Types:* Detached, semi-detached, and short terraces forming structured streets with well-sized gardens.

*Architectural Aesthetic:* A simple, contemporary aesthetic referencing positive local building forms while achieving modern sustainability objectives.

*Materials and Boundaries:* Emphasis on complementing the local character, using consistent materials, colours, and textures. Boundary treatments should distinguish between public and private spaces.

The development aims to add a natural extension to Martock while being sensitive to the existing community and landscape.

It emphasises biodiversity, open spaces, and ecological features while providing much-needed housing and benefits for the district.

Overall, the proposed development aims to strike a balance between modern sustainability, community integration, and the preservation of the area's rural

character. The layout is designed to respect the existing landscape and neighbourhood while providing diverse housing options and extensive green spaces. Officers consider that the proposals are compliant with Policy EQ2 of the South Somerset Local Plan.

## **Residential Amenity**

The proposed development's impact on neighbouring properties' amenity and privacy is an important consideration and the illustrative plan demonstrates that an acceptable level of amenity can be achieved, although this will be dealt with at RM stage.

### **Amenity:**

*Open Spaces:* The design emphasises creating extensive open spaces, meadow parklands, orchards, and woodland planting. This could enhance the overall amenity of the area by providing green spaces for both new residents and the existing community.

*Pedestrian Links:* The proposal includes plans for enhanced pedestrian links between Martock and Coat within the site boundary, potentially improving connectivity and access to amenities for both existing and new residents.

*Ecological Features:* The inclusion of wetlands and ecological habitats might contribute positively to the biodiversity and natural ambiance, potentially enhancing the amenity for neighbouring properties interested in wildlife and green environments.

*Construction:* It is noted and accepted that some disturbances will occur during the construction phase if permitted. However, there are no objections to the proposals by Environmental Health and the impacts arising from this scheme will be similar to those arising from the construction of houses on any site on the edge of a settlement of the scale of Martock. The construction phase of the development will be controlled through the use of a Construction Environmental Management Plan condition.

### **Privacy:**

*Density Variation:* The layout plans higher density housing in the eastern part and lower density toward the conservation area in the west. It is considered that the distance between the proposed development is sufficient to safeguard the privacy of neighbouring properties, including those closer to the higher density sections.

*Buffer Zones:* The proposal indicates the creation of landscape buffers using woodlands and wetlands, potentially acting as visual screens between the new development and existing properties, aiding in preserving privacy.

*Building Types and Heights:* The description of detached, semi-detached, and short terrace buildings enclosing structured streets with gardens suggests a varied scale. It is considered that this would not impact neighbouring properties' privacy based on the orientation and proximity of the new structures.

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.

### **Affordable Housing**

The affordable housing element in this proposal adheres to the Local Plan's Policy HG3, allocating up to 35% of the total housing units for affordability. This split follows an 75:25 ratio between social rent and intermediate products, respectively. Within the illustrative masterplan of 100 dwellings proposed, the affordable housing mix includes:

- 12 units of 1-bedroom flats/houses/bungalows
- 14 units of 2-bedroom houses/bungalows
- 7 units of 3-bedroom houses
- 1 unit of 4-bedroom house
- 1 unit of 4-bedroom parlour house

These affordable units are proposed to be distributed ("pepper-potted") across the

site, designed with the same high-quality standards as the non-affordable units.

Each unit meets the minimum internal space standards outlined by the SSDC (South Somerset District Council).

The Open Market component will be made up of a mix of 2, 3, 4 and 4+ bedroom properties with the exact mix to be determined at the reserved matters stage. This distribution reflects a variety of housing types and sizes, aiming to cater to diverse household needs while ensuring inclusivity and integration of the affordable housing within the entire scheme.

Strategic Housing have supplied its preferred mix and its requirements for First Home to be included in the overall calculations.

This will be secured by a s106 agreement. The s106 should also include a schedule of approved housing association partners for delivery of the affordable units:

LiveWest  
Magna Housing  
Stonewater Housing  
Yarlington Housing Group

## **Flood Risk**

A Flood Risk Assessment has been submitted to support the application which the LLFA consider to be acceptable subject to conditions.

The site consists of two undeveloped fields used for arable farming, bordered by Furber's Rhyne to the west, Coat Road to the south, a disused railway embankment to the north, and Martock to the east.

The site is in Flood Zone 1, with a low probability of river or sea flooding (<0.1%). Surface water mapping indicates localised shallow flooding along the western boundary, with depths up to 900mm. Groundwater flooding isn't expected. No on-site flood risks are associated with infrastructure failure or artificial sources.

Access roads are within Flood Zone 1, ensuring access during flood events.

The Drainage Strategy emphasises Sustainable Drainage Systems (SuDS) to reduce rainfall collected and improve water quality. Prioritisation being given to infiltration, surface water discharge, and proper stormwater management in compliance with

NPPF.

SuDS features are designed to manage pollution hazard indices and promote water quality enhancement.

The proposed development is deemed safe from flooding and considered acceptable by the LLFA subject to conditions.

Accordingly, the proposals are considered to be compliant with the requirements of Policy EQ1

## **Ecology**

SES have not objected to the proposal subject to conditions.

The existing ecology of the site proposed for development comprises:

**Grassland:** Two fields primarily used for sheep grazing. The grassland is dominated by species like perennial ryegrass, Yorkshire fog, Cock's-foot, clover, dandelion, nettle, and red dead nettle.

**Hedgerows:** These boundary lines and dividers between fields support a mix of woody species such as English elm, hazel, ash, blackthorn, elder, field maple, and dog rose.

**Wetland Features:** A ditch running along the west and north boundaries, occasionally holding running water, hosts hydrophilic species like pendulous sedge and watercress. It connects to the Mill Brook located further south.

**Adjacent Landscape:** The surrounding area mainly consists of arable and pasture fields bordered by mature hedgerows. There's an old, dismantled railway line with mature trees along the northern boundary, providing additional habitat diversity.

**Neighbouring Habitats:** Close to the site, there are traditional orchards, floodplain grazing marshes, and a small deciduous woodland. These habitats provide different ecological niches and support various species.

Overall, the site supports a mix of grassland, hedgerows, and wetland features, contributing to a diverse ecosystem. While not extensively wooded, it interacts with neighbouring habitats, providing connectivity and potential corridors for wildlife movement.

SES have stated that there is no objection on ecology grounds subject to conditions and that the proposal complies with EQ4.

### **Somerset Levels and Moors - Phosphates**

The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitats Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. The Ramsar Site consists of a number of Sites of Special Scientific Interest (SSSIs) within what is the largest area of lowland wet grassland and wetland habitat remaining in Britain, within the flood plains of the Rivers Axe, Brue, Parrett, Tone and their tributaries. The site attracts internationally important numbers of wildlife, including wildfowl, aquatic invertebrates, and is an important site for breeding waders.

Natural England has written to various Councils in Somerset advising about the high levels of phosphates in the Somerset Levels and Moors that are causing the interest features of the Ramsar Site to be unfavourable, or at risk, from the effects of these high levels. This is as a result of a Court Judgement known as the Dutch N case, which has seen a greater scrutiny of plans or projects by Natural England, regarding increased nutrient loads that may have a significant effect on sites designated under the Habitats Regulations 2017 (including Ramsar Sites).

The phosphate mitigation strategy for this Site comprises the deployment of an on-site package treatment plant which will be adopted and managed by Albion Water (an OFWAT appointed statutory sewage undertaker and regulated by the Environment Agency) together with the purchase of 4.83kg of credits from a Natural England approved credit scheme at Badger Street and Bickenhall. Agreement for the purchase of the requisite credits is in place between the Applicant and the credit provider.

The phosphate calculations and the proposed mitigation strategy have been considered by the Council's ecologist and Natural England. Both parties are satisfied that the submitted information is robust and adequately mitigate the phosphate impact arising from the application proposals.

The phosphate mitigation strategy will be secured by a s106 agreement and this is set out within the Officer recommendation below.

### **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**

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.

In this case, the proposed development offers various benefits such as contributions to education, community, provision of housing against a deficient land supply and affordable housing, aiding Martock's sustainability. It is considered by Officers that there is no harm resulting from the proposals in respect of drainage, ecology and biodiversity, heritage, highway safety, flood risk, landscape and residential amenity. There is however, harm arising from conflict with planning policy although the weight given to those policies is reduced by virtue of the deficient 5YHLS position.

While local objections are noted, statutory consultees have not raised substantial concerns. The identified harm (conflict with settlement related policies) are deemed insufficient to outweigh the benefits when considering the "tilted balance." Therefore, the recommendation is for the approval of the outline planning permission, subject to a s106 agreement and conditions, including those suggested by consultees

*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, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, Martock Neighbourhood Plan and the aims and objectives of the NPPF.*

## **RECOMMENDATION**

Approve subject to conditions and a s106 that secures:

## **Phosphate mitigation**

### **Travel Plan**

### **Affordable housing**

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. Compliance with national space standards

Include a schedule of approved housing association partners for delivery of the affordable units:

Abri

LiveWest

Magna Housing

Stonewater Housing

### **Education**

£153,666.00 for the new early years facility at Martock Primary

£546,368.00 for Martock Primary

£348,054.00 for Stanchester Academy secondary.

01. 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, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, Martock Neighbourhood Plan and the aims and objectives of the NPPF.



**SUBJECT TO THE FOLLOWING:**

01. Approval of appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

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

05. Unless otherwise indicated by other conditions attached to this decision, the development hereby permitted shall accord with the following approved plans in respect of the extent of application site to which this grant of outline planning permission relates and also the proposed access details:

191201 L 01 01 Site Location Plan

191201 L 02 02 Illustrative Masterplan

0942 Coat Road Martock - Flood Risk Assessment

0942 Coat Road Martock - Transport Assessment

191201 R 02 01 Design and Access Statement Rev F

LVIA Land off Coat Road housing development Martock LVIA Final

PEA Update FINAL  
Planning Statement FINAL

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

06. The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:
- (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.

07. Prior to commencement of development hereby permitted, the applicants or their agent or successors in title shall secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has previously been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of any heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

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

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

Reason: To enable the recording of any items of historical or archaeological interest, having regard to the requirements of Policy EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. Prior to commencement of development and before any vegetative clearance, groundworks, entry of heavy machinery onto the site, or on-site storage of materials commences, the following conditions must be met:

- (a) A comprehensive scheme outlining measures for the protection of trees and hedgerows must be developed by an experienced and qualified arboricultural consultant, adhering to the specifications detailed in British Standard 5837: 2012 - 'Trees in relation to design, demolition, and construction.' The scheme, as outlined in section 6.3, should include a sequenced plan for supervisory monitoring during the installation and maintenance of protective measures. This plan should be supervised by a competent Arboriculturalist. The scheme must be submitted to and approved in writing by the Local Planning Authority.

- (b) The installation of the approved tree and hedgerow protection measures must be fully completed as per the details sanctioned in writing by the Local Planning Authority. Confirmation of completion, as stated in the approval, must be provided in writing to the Local Planning Authority within 21 days from the applicant/developer's notification of finishing the endorsed protection scheme.

The approved tree and hedgerow protection scheme must remain entirely installed throughout the construction period of the development, inclusive of any landscaping activities. Any movement, removal, or dismantling of these protective measures requires prior written consent from the Local Planning Authority.

Between 1st March and 31st August, there shall be no removal of hedgerows, trees, shrubs, or demolition of buildings or structures unless a competent ecologist has conducted a detailed examination for active birds' nests immediately before the vegetation clearance or building works commence. The ecologist must provide written confirmation to the Local Planning Authority that no harm will be caused to birds or that appropriate measures are in place to protect nesting bird interests on site. The submission of this written confirmation by the ecologist and obtaining written agreement from the Local Planning Authority is mandatory.

Plastic bird netting obstructing bird access to specific areas or features is strictly prohibited, as it can lead to bird entrapment.

Reason: The submission and agreement upon a comprehensive tree and hedgerow protection scheme by a qualified arboricultural consultant, followed by the complete implementation of approved protection measures before development commencement, are essential. These measures aim to safeguard existing landscape elements (trees and hedgerows), preserving visual amenity and biodiversity, aligning with Policies EQ2, EQ4, and EQ5 of the South Somerset Local Plan, and pertinent guidance within the NPPF

10. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than

greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

11. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the

Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include the following:

- (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 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).

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.

12. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice and Land Contamination Risk Management (CLR11 Replacement)
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice and Land Contamination Risk Management (CLR11 Replacement) The report should include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme including remedial options appraisal detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on going monitoring should also be outlined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

13. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08.00-18.00 Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy and in accordance with the provisions of Circular 11/95.



14. 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.

15. There shall be no burning of any waste or other materials on the site, except in an incinerator, the details of which shall be approved in writing by the Local Planning Authority before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.

Reason: To ensure that, in accordance with Local Planning Policy, to ensure any concentration of air pollutants in the vicinity is minimised and/or a nuisance is not caused. The incinerator itself may need planning permission.

16. No deliveries shall be taken at or dispatched from the site outside the hours of 08:00-18:00 nor at any time on Sundays, Bank or Public Holidays.

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

17. No development shall commence, including any demolition, groundworks or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Biodiversity) and a Risk Avoidance Measures Method Statement (RAMMS) have been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) 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 EAD (Dec 2022).
- (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 RAMMS shall detail a strategy to prevent adverse dust levels, run off from chemical liquids such as petroleum and detergents into the nearby watercourse which is adjacent to the application site along the southern boundary, and using bunded storage for example when refuelling vehicles and storing oil and fuel accordingly.

The approved details within the CEMP (Biodiversity) 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 Construction Environmental Management Plan (Biodiversity) 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.

18. Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

19. 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 and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

20. 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.

21. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation [or specified phase of development]. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:
- 1) 25 Habitat 001 bat boxes or similar will be built into the dwellings (one on each of the 25 dwellings) at least four metres above ground level and away from windows of the west or south facing elevation

- 2) 25 Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation (one on each of the 25 dwellings)
- 3) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- 4) Three log pile as a resting place for reptiles and or amphibians constructed on the southern boundary
- 5) Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
- 6) 10 bee bricks built into the wall about 1 metre above ground level on the south or southeast elevation of the dwellings (one on each of the 10 dwellings)

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

22. 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.

23. The proposed access shall be constructed in accordance with details shown on the submitted plans, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition 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.

24. 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.

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

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.

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.

26. No more than 50 dwellings of those permitted shall be occupied until the construction of a network of cycleway and footpath connections within the development site has been completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: This condition aligns with sustainable development practices. Occupancy of dwellings beyond the initial 50 units is contingent upon the completion of the specified cycleway and footpath connections within the development. This measure supports highway safety and is in accordance with Policies TA5 and TA6 of the South Somerset Local Plan, as well as relevant guidance within the NPPF.

27. 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.

28. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 59 metres either side of the access. Having regard to the size of vehicle to use the access during the construction phase, such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

29. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan (Biodiversity), approved pursuant to condition 16, have been completed to his/her satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for

approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that Policy EQ4 of the South Somerset Local Plan has been complied with.

30. The proposed roads, including footpaths, footways and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

31. 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.

32. 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.

33. No dwelling hereby permitted shall be occupied until refuse and recycling storage areas have been provided to serve each dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining, and screening of such refuse/recycling storage areas. The refuse/recycling storage areas shall thereafter be retained and maintained as such unless the Local Planning Authority gives prior written approval to any subsequent variations.

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.

**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. 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)

04. 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.

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.

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