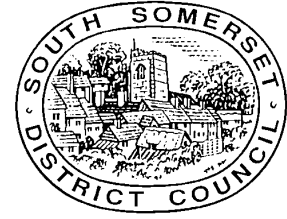


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 25th March 2015

2.00 pm

**The Village Hall
Martock Road
Long Sutton
TA10 9NT**

(Disabled access is available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 3.00pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 17 March 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area North Committee Membership

Shane Pledger
Paul Thompson
Pauline Clarke
Graham Middleton
Roy Mills

Terry Mounter
David Norris
Patrick Palmer
Jo Roundell Greene
Sylvia Seal

Sue Steele
Barry Walker
Derek Yeomans

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 3.00pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways control centre on 0845 345 9155.

Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of area committees are published on the council’s website www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

The council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public participation at committees

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

Public question time

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

Planning applications

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

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

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

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

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

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

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

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

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

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

Area North Committee

Wednesday 25 March 2015

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 25 February 2015.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2112 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Terry Mounter, Shane Pledger, Sylvia Seal and Paul Thompson.

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not

finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 22 April** at the Edgar Hall, Somerton.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Grant To Kingsbury Episcopi (Amenities Committee) For New Community Centre, Shop, Café And Sports Changing Facilities (Executive Decision)
(Pages 1 - 7)

9. Area North Committee Forward Plan (Pages 8 - 10)

10. Planning Appeals (Pages 11 - 12)

11. Schedule of Planning Applications to be Determined By Committee (Pages 13 - 14)

12. Planning application 14/04142/FUL - Hams Ground, St Michaels Gardens, South Petherton. (Pages 15 - 36)

13. Planning application 14/04123/OUT - Land adjacent Triways, Foldhill Lane, Martock. (Pages 37 - 58)

14. Planning application 14/04475/FUL - Crown Inn, Long Load (Pages 59 - 66)

15. Planning application 14/03171/DPO - Ex Showroom/Garage and Land Rear of Long Orchard, Water Street, Martock. (Pages 67 - 70)

16. Planning application 15/00074/FUL - Land between Wheelwrights Cottage and Iberry, Marshway, Curry Mallet. (Pages 71 - 76)

17. Planning application 14/04158/OUT - Land at Court Farm, Ilton. (Pages 77 - 88)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 8

Grant To Kingsbury Episcopi (Amenities Committee) For New Community Centre, Shop, Café And Sports Changing Facilities (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close/Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Mary Ostler, Neighbourhood Development Officer (North)
Contact Details: mary.ostler@southsomerset.gov.uk or (01935) 462123

Purpose of the Report

Councillors are asked to award a grant of £40,000 to Kingsbury Episcopi Amenities Committee towards the overall cost of building a community centre, shop, café and sports changing facilities.

Public Interest

Kingsbury Episcopi Amenities Committee has applied for financial assistance from the SSDC Area North capital programme. The application has been assessed by a Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendations

It is recommended that Councillors award a grant of £40,000 to Kingsbury Episcopi Amenities Committee, towards the overall cost of construction of a purpose-built community centre for the village, the grant to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants (appendix A) and the following special conditions:

- 1) Confirmation of the allocation of Big Lottery Reaching Communities Buildings Fund grant to the project
- 2) The applicant will provide a final copy of their Business Plan including a financial operating plan for the first three years) as submitted to the Big Lottery.
- 3) the applicant will complete an access review of plans including outside and landscaped areas and consider their final designs in the light of the review. (SSDC will provide assistance with this.)

Application Details

Name of applicant	Kingsbury Episcopi Amenities Committee
Project	Construction and equipping of community centre and shop
Total project cost	Circa £1,087,475
Amount requested from SSDC	£40,000 (4%)
Recommended special conditions	<ol style="list-style-type: none"> 1) Confirmation of the allocation of Big Lottery Reaching Communities Buildings Fund grant to the project 2) The applicant will provide a final copy of their Business Plan including a financial operating plan for the first three years). 3) the applicant will complete an access review of plans including outside and landscaped areas and consider their final designs in the light of the review. (SSDC will provide assistance with this.)
Application assessed by	Mary Ostler, Neighbourhood Development Officer (North)

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Maximum Score Possible	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	6
C Evidence of Need	5	5
D Capacity of organisation	15	15
E Financial need	7	6
F Innovation	3	3
Total	37	35

Background

Kingsbury Episcopi is a village with a vibrant self-help community and, within this, two very active groups of volunteers have come together to address the pressing need expressed within the parish for a community centre:

- Kingsbury Episcopi Amenities & Improvements Committee (KEAC) - A charitable trust, tasked with maintaining and developing the sporting and recreational facilities within the Parish
- Kingsbury Community Enterprise Ltd (KCEL) - An Industrial & Provident Society which established and runs the community shop

Evidence collected by KEAC and KCEL through open days, discussion groups and questionnaires, has shown the need for one community building, on the recreation ground, to encompass three specific areas: Community Shop, Community Hall and Changing Rooms.

Informed by visits to similar projects and by questionnaire and survey results, the project team have been able to build the picture of the community's needs as stated in their application:

"We realised that changing rooms alone, would meet the needs of a small percentage of our community. A larger project was required. Assessing existing ventures in the County, it is apparent that often the shop, village hall and changing facilities are managed independently or privately."

"The opportunity to bring this project into one community-owned area presents an exciting prospect. Our advantage is the collective expertise and enthusiasm of KEAC and KCEL being able to address the needs of the beneficiaries on one site. This ensures the resurgence of our community spirit can be nurtured and effectively managed."

The support of volunteers is paramount to the success of the community centre project. Volunteering is open to all and any amount of time offered is welcome. To quote KEAC:

"A major aim of this project is to promote the sense of shared ownership."

Community Shop

Kingsbury's last grocery shop closed in September 2002. In 2008, residents formed Kingsbury Community Shop Project committee and in March 2011, this became an Industrial & Provident Society - Kingsbury Community Enterprise Ltd. The shop opened a year later, run by 60 volunteers and sited in a shipping container with temporary planning permission which expires in 2016.

Footfall has remained consistent and turnover is showing a year on year improvement.

In April 2014, a part-time Manager was employed and in March 2015, a Trainee Assistant Manager. Work experience opportunities are being provided for students after school and on Saturdays.

The shop is considered to be succeeding not only financially, but also in providing a meeting place and important social hub. Without the shop, which is open seven days a week, residents would face a minimum round trip of eight miles for provisions.

Changing Rooms

Over the last ten years, play equipment and facilities on the recreation ground have been developed to cater for all age groups. The football pitches are maintained to a high standard but the changing room is in a portacabin with inadequate shower / toilet facilities which do not meet the current recommendations, preventing the development of junior teams and of hiring of the facilities.

Secure storage space is needed for the recreation field maintenance and sports equipment and also for equipment for the community's annual, major fund-raising events – the May Festival and Party by the Parrett.

The provision of an accessible outside toilet has also been identified as much-needed.

Community Hall

Over 50% of the children at the village primary school live in the parish, warranting good recreational facilities with space suitable for indoor family and community activities. The school has limited space for whole school productions and events and, although Kingsbury has a beautiful church, there is no facility for a reception party.

Community consultation has shown that there are many groups of all ages wishing to meet and to pursue similar interests, both existing groups and potential groups awaiting the opportunity of a suitable venue.

Consultation

There has been extensive consultation and regular updates with the community to ensure that everyone has been given the opportunity to have input to the design of the building, with two rounds of questionnaires, well-attended consultation and information days, community breakfasts, exhibition of plans and model and an evening launch event. Feedback from these events, visits to other projects, questionnaires and surveys continue to shape the project.

Current Position

An application to the Big Lottery Reaching Communities Buildings Fund was submitted in 2014 and this has now progressed to an invitation to the final Stage Three of the process. A Big Lottery Development Grant of £29,198 was provided for obtaining professional advice and information.

Major fundraising events – the May Festival, Lowland Games and Party by the Parrett - are continuing to generate money towards the project.

Operation

A detailed business plan with predicted income and expenditure for operation of the project in years one to three is scheduled for submission to the Big Lottery Fund in May 2015 and the final version will be submitted to SSDC at the same time.

The new changing rooms will attract revenue from local and visiting teams with teams outside the parish already asking to hire the facility.

The shop's annual accounts already show financial success and the addition of a café is expected to add to its financial potential. Any surplus monies will be reinvested into the venture.

To underpin the cost of managing and maintaining the site, KEAC will continue the major fundraising events of the May Festival, Party by the Parrett and Lowland Games, generating an average income of £19,000. Should any of these events be jeopardised in the first years

of opening, it is intended to reserve a three-year contingency fund from the KEAC accounts, to ensure the project becomes well established and maximises all income streams.

With the additional income from Kingsbury Episcopi Parish Council, through the annual precept, the future of this project is secure.

Parish Information

Parish*	Kingsbury Episcopi
Parish Population*	1,307
No. of dwellings*	586

*Taken from the 2011 census profile

Project Costs

Item or activity	Cost £
Professional fees, development costs & surveys	814,980
Urgent repairs/improvements/legal fees	60,333
Fixtures & Fittings	39,200
Inflation	72,351
Contingency	86,544
Non recoverable VAT	14,067
Total project cost (A)	1,087,475

Funding Plan

Funding Source	£ secured (S) or pending (P)
Parish Council	6,000 (S)
Own funds	185,000 (S)
Lottery	29,198 (S)
Lottery	726,733 (P)
Plunkett Foundation	2,000 (S)
Local events	10,000 (P)
Awards for All	10,000 (P)
Defra	53,544 (P)
Other applications	25,000 (P)
Total Project Funding	1,047,475
Amount requested from SSDC (A-B)	40,000*

*This represents 4% of the total project cost.

Consents and permissions

Planning consent (13/02825/FUL) was given 15 April 2014

Conclusion and Recommendation

This application is for £40,000 which represents 4% of the total project cost.

KEAC / KCEL have demonstrated their capabilities through the delivery of several successful projects to extend the facilities on the recreation ground and in the setting-up and successful running of the community shop. They have evolved plans, underpinned by thorough consultation, which have now undergone the extensive scrutiny of the Big Lottery processes to achieve Stage Three of the Reaching Communities Buildings Fund.

Members of the groups, with a strong network of volunteers, bring a wide range of skills and experience to this project and a high level of commitment to strengthening and improving the quality of life for all in their local community.

It is therefore recommended that this application for £40,000 is approved.

Financial Implications

There is £248,686 available in the Area North Capital programme for Local Priority Schemes. If the recommended grant of £40,000 is awarded, £208,686 will remain in this allocation for future years.

Council Plan Implications

The project supports:

- Focus One: Jobs
- Focus Four: Health & Communities

Carbon Emissions & Climate Change Implications

Construction of the Community Centre will meet the current standards for heating and insulation to minimise energy consumption and energy loss.

Equality and Diversity Implications

Construction of the Community Centre will provide the village with a meeting place, shop, café and changing facilities, that meet the current standards for accessibility.

KEAC states: "Our equal opportunities policy prohibits gender, cultural or religious discrimination. Provision of easy access toilet and shower facilities, audio loop, raised signage will assist those with disabilities. Time will be made available for support groups, social events to address social isolation and activities for all age groups. A committee member will liaise with Armed Forces families and veterans to encourage integration. By creating a permanent community hub, we address the need to regularly include those who feel socially isolated".

Appendix A

Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AN14/14 and represents 4% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

Special conditions

1. Confirmation of the allocation of Big Lottery Reaching Communities Buildings Fund grant to the project
 2. The applicant will provide a final copy of their Business Plan including a financial operating plan for the first three years) as submitted to the Big Lottery..
 3. the applicant will complete an access review of plans including outside and landscaped areas and consider their final designs in the light of the review. (SSDC will provide assistance with this.)
-

Agenda Item 9

Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>May 2015</i>	<i>No meeting due to elections.</i>		
24 June '15	Appointments to Outside Bodies	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Democratic Services Officer
24 June '15	Revised Scheme of Delegation – Development Control Nomination of Substitutes for Chairman and Vice Chairman for 2015-16	New municipal year – appointment of two members to act as substitutes.	Becky Sanders, Democratic Services Officer
24 June '15	Levels and Moors Local Development Strategy (LEADER Programme)	A presentation about the LEADER grants programme 2015-2020 to be operated by the Levels and moors Local Action Group to raise awareness of priorities and marketing of the programme. http://levelsandmoors.somersetleader.org.uk/	Dominie Dunbrook, Levels and Moors Programme Manager, Somerset County Council
24 June '15	Highways Update	Half yearly report - update on SCC Highways Services.	Neil McWilliams, Assistant Highway Service Manager (SCC)
24 Jun '15	Streetscene Update	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager

22 July '15	Section 106 Monitoring Report	Update report on the completion of the terms of various s106 agreements, including the collection and re-investment of financial obligations from developers.	Neil Waddleton, Section 106 Monitoring Officer
22 July '15	Community Health and Leisure	Annual service update report from the SSDC Community Health and Leisure service including the Healthy Lifestyles programme.	Lynda Pincombe, Community Health and Leisure Manager
22 July '15	Area North Development Plan – review of priorities	A report of the achievements of the Area Development Plan for 2014-15 and discussion of priorities for the new committee.	Charlotte Jones, Area Development Manager (North)
<i>TBC</i>	<i>Area North – Historic Buildings at Risk</i>	<i>An update report on the Council's Historic Buildings at Risk Register</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>TBC</i>	<i>Conservation – service update</i>	<i>A service report from the SSDC Conservation team.</i>	<i>Adron Duckworth, Conservation Manager</i>

Agenda Item 10

Planning Appeals

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: As above
Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Recommendation

That members comment upon and note the report.

Appeals Lodged

14/00458/OUT – Land between Old Vicarage and 15 Yeovil Road, Tintinhull.
Outline residential development.

14/05001/FUL – Land adjoining Keepers Cottage, Ham Lane, Compton Dundon.
Erection of a dwellinghouse.

Appeals Dismissed

None

Appeals Allowed

None

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Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.00pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.50pm

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	SOUTH PETHERTON	14/04142/FUL	Residential development of 89 dwellings (to include 31 affordable homes), vehicular access, public open space and associated works.	Hams Ground, St Michaels Gardens, South Petherton.	Mr M Seaman
13	MARTOCK	14/04123/OUT	Outline application for residential development of up to 35 dwellings.	Land adjacent Triways, Foldhill Lane, Martock.	Martock Farms Ltd
14	MARTOCK	14/04475/FUL	Change of use from public house to two dwellings.	Crown Inn, Long Load.	Mr O Buzza
15	MARTOCK	14/03171/DPO	Application to modify a Section 106 agreement dated 20 May 2014 relating to housing development.	Ex Showroom / Garage and Land Rear of Long Orchard, Water Street, Martock.	Westco Properties Ltd.

Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
16	ISLEMOOR	15/00074/FUL	Proposed erection of dwelling and garage.	Land Between Wheelwrights Cottage and Iberry, Marshway, Curry Mallet.	Mr and Mrs Orme
17	ISLEMOOR	14/04158/OUT	Demolition of existing agricultural buildings, change of use to residential and recreational, erection of 47 dwellings, improved access and the provision of community sports facilities and additional parking.	Land at Court Farm, Ilton.	A H Warren Trust Ltd

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 12

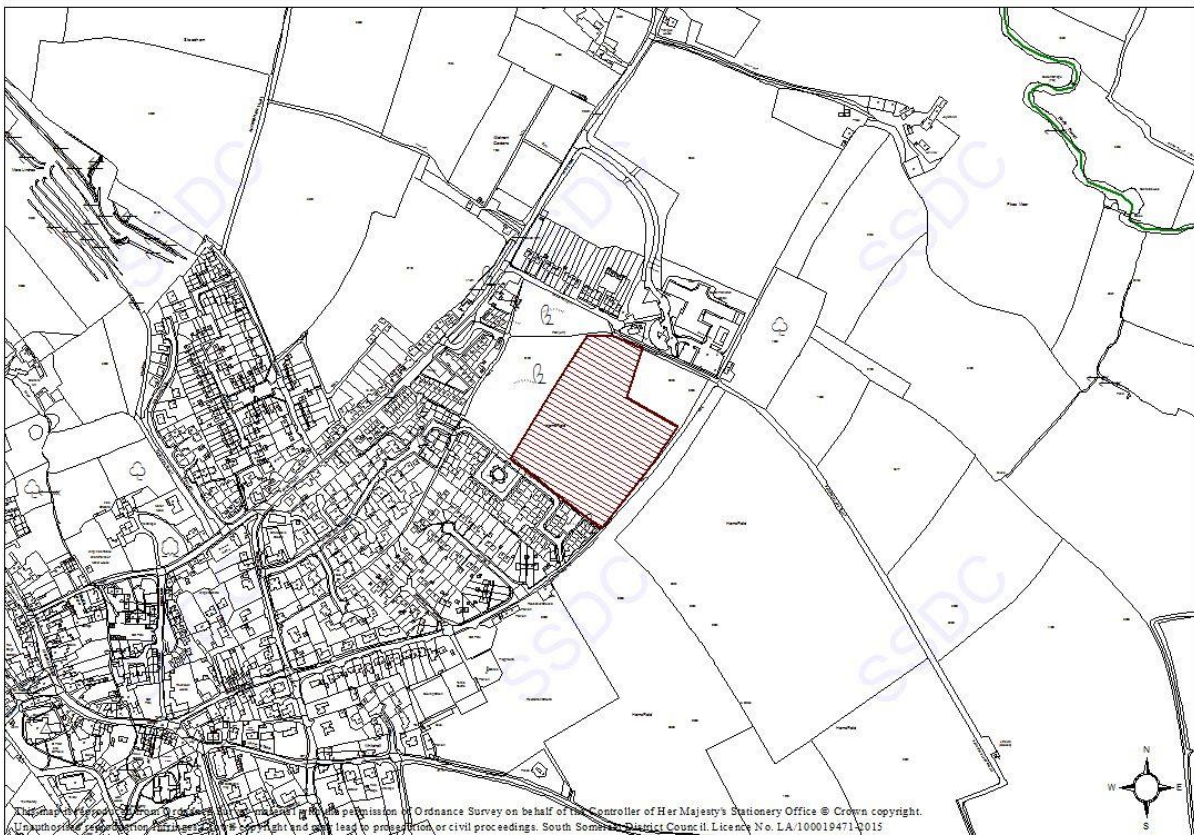
Officer Report On Planning Application: 14/04142/FUL

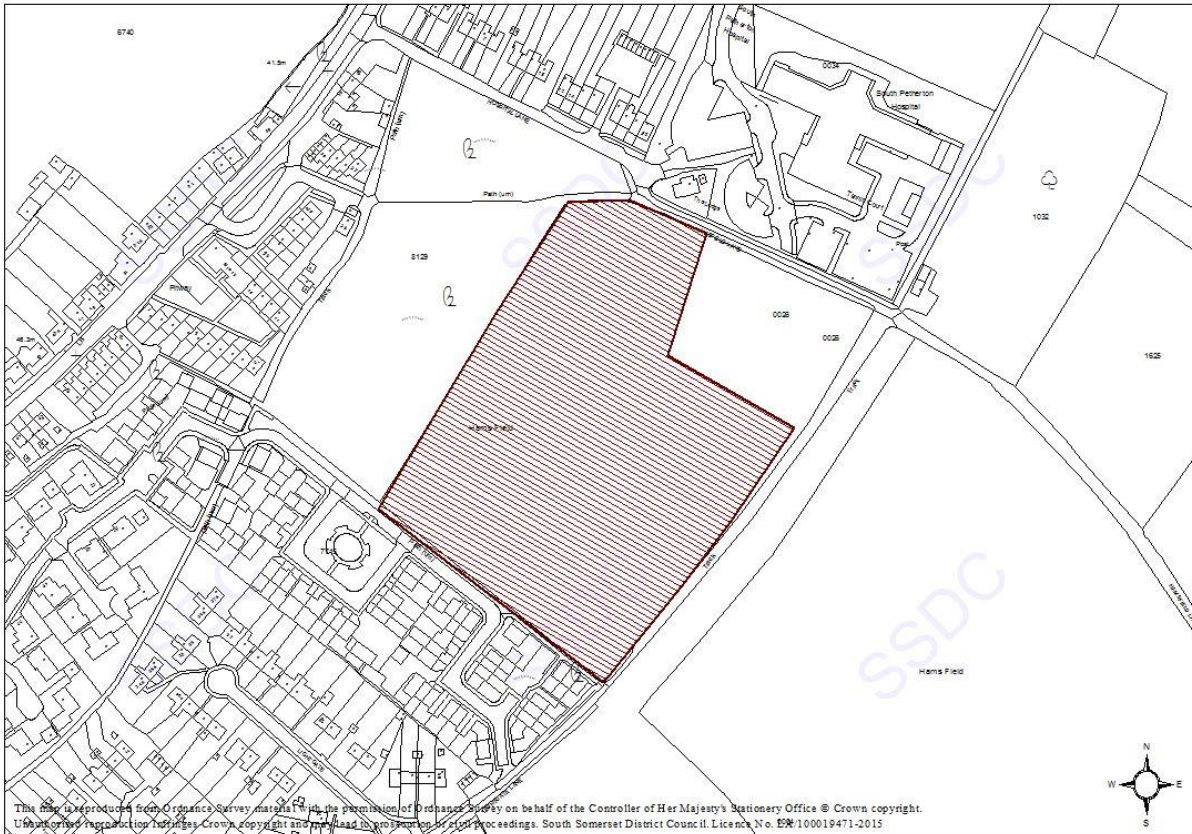
Proposal :	Residential development comprising of 89 No. dwellings (to include 31 No. affordable homes), vehicular access, public open space and associated works. (GR 343900/117225)
Site Address:	Hams Ground, St Michaels Gardens, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr P A Thompson Cllr B R Walker
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	15th December 2014
Applicant :	Mr Matthew Seaman
Agent: (no agent if blank)	Mrs Lydia Grainger, WYG, ,Hawkridge House Chelston Business Park, Wellington TA21 8YA
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

To enable the issues raised to be debated by the planning committee.

SITE DESCRIPTION





The application site is a piece of agricultural land measuring approximately 2.8 hectares situated to the north-east of the village of South Petherton.

The site is adjoining, and connects into two recent developments to the south and to the western boundaries. The development to the west is nearing completion and was granted under reference 13/02239/FUL.

The site is accessed via St Michaels Gardens which is located to the south west of the site. The recently constructed doctors surgery is located to the north eastern corner of the site. There are public rights of way located outside the site along the southern, eastern and northern boundaries.

Ground levels are lower within the site compared to the existing development to the south of the site and rise gradually from the south eastern corner up to the northern end of the site.

DESCRIPTION OF PROPOSAL

The proposal has been amended since the original submission and in summary comprises of the following:

- Provision of vehicular access from St Michaels Gardens.
- Three areas of open space would be provided, a lower open space in the south east corner of the site, a central open space, extending the open space to be provided within the scheme to the west of the site and an upper open space located alongside the northern site boundary.
- The application proposes the erection of 89 residential units comprising a mixture of traditional dwellings with private gardens and flats.

- The scheme would comprise eight 1 one bedroom flats, thirty seven 2 bedroom units (comprising five flats and thirty two dwellings), thirty five 3 bed dwellings nine 4 bed dwellings.
- 31 affordable dwellings comprising the following: Eight 1 bed, thirteen 2 bed, 8 three bed, 2 four bed units.
- The gross density (the whole site including open space) would be approximately 34 dwellings per hectare (dph). The net density (excluding open space but including roads and driveways) would be approximately 44 dwellings per hectare.
- Amended plans have been received which include the following amendments:
- Removal of 4 three storey buildings and replacement with two storey/two and a half storey.
- Installation of pumping station to lower open space.
- Setting of buildings away from eastern site boundary.
- Narrowing of lower public open space.
- Closing of vehicular access into the site from the development to the west of the site (Farley Fields).
- Minor alterations to include:
- Minor alterations to layout including schedule of house types, mix of house sizes.
- Alterations to landscaping scheme.

The application is supported by the following documents:

Design and Access Statement and Planning Statement

Habitat Survey

Archaeology and Heritage Assessment

Flood Risk Assessment and Drainage Strategy

Transport Statement

Travel Plan

Statement of Community Involvement

Arboricultural Constraints Report

RELEVANT HISTORY

14/03220/EIASS- Proposed residential development. Determined that Environmental Impact Assessment is not required 21/12/2012.

13/02239/FUL- Construction of 49 dwellings- Approved 23/12/2013.

12/04877/EIASS - Proposed residential development. Determined that Environmental Impact Assessment is not required 21/12/2012.

07/03984/FUL- Construction of 55 dwellings and means of access- Approved 27/03/2008

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal
Chapter 11 - Conserving and Enhancing the Natural Environment

Local Plan (2015)

The following Local plan policies are considered to be relevant:

SS1- Settlement Strategy
SS5- Delivering new housing growth
SS6- Infrastructure delivery
HG3- Affordable housing
TA4- Travel Plans
TA5- Transport impact of new development
TA6- Parking standards
EQ1- Addressing climate change in South Somerset
EQ2- General development
EQ3- Historic Environment
EQ4- Biodiversity
EQ5- Green Infrastructure
EQ7- Pollution Control

National Planning Practice Guidance:

The following sections have the most relevance:

- Determining an application.
- Design
- Planning obligations,
- Open space, sports and recreation provision, public rights of way and green space.
- Use of planning conditions.

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

South Petherton Parish Council (in response to original plans):- 'Recommend refusal on a number of grounds':

The Planning Committee unanimously voted to recommend refusal of this application for the following reasons:

- Because of a lack of jobs locally this proposed development will because of the price structure of the properties being envisaged will encourage a migration out of the village in the morning and in reverse in the evening with the occupants unlikely to add any benefits to the village during the week

- This migration will exacerbate the already existing traffic movement at busy times of the day as well creating an impact on the major feeder road being that of the A303
- As there is no provision for an alternative access to this proposed development it will as a result necessarily see a significant increase in the volume of traffic using it and turning on to Lightgate Road
- Lightgate Road is currently ill equipped to cope with existing traffic flows let alone an increase which this development will produce.
- Whilst it is accepted that there is nationally a housing shortage there appear no evidence that this is a problem here in Somerset
- The development will have an unnecessary impact on local infrastructure such as the local doctor's surgery and the two schools both in the long term and short term

County Highway Authority

Subject to conditions, a travel plan and a contribution towards upgrading local bus stops, the Highway Authority do not object to the proposal.

Concerns were raised over the tight radius of one junction within the site and the site access. Amended plans have been received which have addressed this issue and the Highway Authority have confirmed that the amendments are acceptable.

The travel plan and financial contribution towards bus stops will be secured through the section 106 agreement.

Highway Agency

Considered that the impact on the Hayes End junction would be acceptable and therefore do not raise any objections to the proposal.

Landscape Architect

Objected to the original proposal on the basis of the raising of the site levels, provision of three storey buildings and the provision of buildings in close proximity to the eastern site boundary.

Following the amendments to the scheme, including the landscaping proposal the Landscape officer has withdrawn the objection to the scheme.

Conservation Manager

Expressed concerns over the original application in terms of the three storey buildings within the proposal.

Planning Policy

The comments from the policy department are set out below:

"The proposal is located outside (albeit adjacent) the development area, and is therefore not in accordance with 'saved' Policy ST3 in the adopted Local Plan. However, the policy framework provided by the extant Local Plan (1991 - 2011) is time-expired and becoming increasingly out-of-date, with certain policies not fully consistent with the National Planning Policy Framework (NPPF). In this context the application must be considered in light of the NPPF, 'saved policies' in the adopted Local Plan, and the emerging Local Plan (eLP). The Council considers that it has a five-year supply of housing land, plus the appropriate buffer (of 20%), although it should be noted that this is currently being challenged at planning appeals.

Although saved Policy ST3 has sustainability aspects which are in line with the general thrust of the NPPF, given the age of this policy it is considered to be overly restrictive in relation to positively seeking opportunities to meet development needs (NPPF, para 14).

The NPPF states (para 216) that the more advanced the stage of preparation, the greater the weight that may be given to emerging plans. The emerging Local Plan (eLP) is at an advanced stage, having been submitted to the Secretary of State in January 2013 and recently subject to consultation on Main Modifications. South Petherton is identified as a Rural Centre in the eLP, and around 229 dwellings should be delivered at the settlement over the plan period 2006-28. As at March 2014, 143 dwellings had been completed in the plan period to date (2006-14), with a further 87 dwellings under construction and 'committed' (granted planning permission but not yet started); meaning a total of 230 dwellings either built, under construction and/or committed at South Petherton. The current proposal would mean an increase of 90 dwellings compared to the eLP guideline housing figure (giving a total of 319 dwellings at South Petherton over the plan period) so is not fully in accordance with the eLP. However, it should be noted that the district-wide figure of 15,950 dwellings represents a minimum requirement, so there will be settlements across the district where it will be appropriate to exceed the settlement specific figures. Nonetheless, the scale of growth should be appropriate to a settlements' role and function.

The eLP Policy SS5 outlines a "permissive approach" prior to the adoption of the Site Allocations Development Plan Document when considering housing proposals adjacent to the development area at Rural Centres. The overall scale of growth (i.e. 229 dwellings planned at South Petherton) and wider policy framework are key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. Approval of this proposal would lead to 319 dwellings at South Petherton over the plan period, compared to 374 dwellings at the Local Market Towns of Somerton, Castle Cary and Langport/Huish Episcopi; therefore development at South Petherton would still be over 50 dwellings below settlements in the next 'tier' of the settlement hierarchy.

Regarding South Petherton's role and function, it currently has a population of 3,100 people, of which 1,400 are economically active, but there is a workplace population of just 600 people (Census 2011, figures rounded to nearest 100). It has a reasonable range of services and facilities including several shops, post office, library, GP surgery and a hospital. There is also an hourly bus service to Yeovil.

The proposal is located on Grade 3a agricultural land, considered best and most versatile in the NPPF - local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality (NPPF para 112). It should be noted that much of the area surrounding South Petherton is classed as best and most versatile agricultural land, with Grade 1 predominating.

Overall, the proposal is not in accordance with either the adopted Local Plan or the emerging Local Plan. However, the NPPF is an important material consideration, particularly in the absence of an up-to-date adopted Local Plan, and the various planning issues should be weighed up, considering the presumption in favour of sustainable development in the NPPF, para 14. The relatively large increase in housing above the guideline figure for South Petherton in the eLP is an important issue, which should be considered alongside other site specific impacts; and then compared with the benefits of additional housing (including 31 affordable dwellings) at South Petherton".

Housing

Confirmed that the allocation of 31 units meets the 35% requirement on the site.

Concern was originally expressed over the proposed tenure split to include 'affordable rent' rather than social rent. The applicant have since indicated that two thirds of the units will be social rented in accordance with Council policy and the remaining units will be 'intermediate'

(shared ownership).

Some concern was expressed over the size of some of the units not meeting the HCA (Homes and Communities Agency) standards, in particular the 2 and 3 bedroom dwellings. It is also noted that the 3 and 4 bedroom units on the amended scheme are 3 bed five person and 4 bed six person instead of six and eight person units.

Community, Health and Leisure (SSDC)

Seeks a contribution total (including a 1% monitoring fee) of £392,306 (£4408.00 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved. This can be broken down as follows:

- £216,357 to be used for local facilities (equipped play space, youth facilities, playing pitches, changing rooms, community halls)
- £102,718 to be used for strategic facilities (Art centres, grass pitches, swimming pools, indoor tennis centres, sports halls)
- £69,346 as a commuted sum towards local services
- £3,884 as the Community, Health and Leisure Service administration fee.

County Education

Advises that the local junior school is already over-subscribed and will come under increasing pressure as the Hospital Lane development progresses (Ref 13/02239/FUL). The proposed development would equate to ten junior school places and additional capacity will be required at the school when funds permit.

Developer financial contributions should therefore be secured through a S.106 agreement for this purpose. Total contributions required would be £122,570. This sum is correctly referred to in the Planning Statement submitted with the application.

Concern is expressed over the trigger for payment of 'occupation of the 70th dwelling'. A revised trigger of the 40th dwelling is suggested.

Environmental Protection

Recommend an informative regarding the submission of soil testing results.

Streetscene/Parks services

No objections in principle, however some concerns are raised over aspects of the landscape design. In particular, the design/appearance of the planting to the central open space and the siting of soakaways within this area and the potential restriction this will have on future plans for the space. These comments are largely maintained following receipt of the amended layout.

Rights of Way Officer (SCC)

No objections are raised and some generic comments are provided regarding health and safety, closure orders etc.

The following areas for specific comment are raised:

Footpath Y24/55 -

It is not clear what the impact would be on the footpath at the northern end of the site would be. This should be clarified.

Footpath Y24/53 (southern boundary) -

This path is poorly supported and is subsiding as a result of the previous development. Details of how this would be supported should be secured via a condition. Trees should be removed

from the footpath. Consideration should be given to removing street lights. The post and rail fence obstructing the footpath should be removed. Consideration should be given to the safety of pedestrians through the highway design stage.

Links to medical centre-

An offroad alternative to Hamsfield Lane (linking to the medical centre) would be of benefit as Hamsfield Lane is used by vehicles.

Link to Silver Street-

It has been suggested that the link to Silver Street is upgraded and this could be achieved through a S.106 agreement. However, SCC would not be able to progress this project and therefore it would need to be for SSDC to progress.

Ecologist (SSDC)

The hedge to the northern boundary has most potential to provide habitat for wildlife and foraging for bats. The retention of a green corridor to the northern boundary is supported.

There is the potential for adverse impacts on slow worms if they are present on the site and these are a legally protected species. Recommends that a condition to secure protection measures for reptiles and a separate condition to secure biodiversity enhancements.

Senior Historic Environment Officer (SCC)

Notes the desk based assessment submitted with the application and concludes that a programme of archaeological work be secured through a planning condition.

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

SSDC Drainage Engineer:

Has commented that the drainage scheme would be on the basis of retaining water on site to mimic existing conditions.

Has further commented that he would like to see some additional technical details regarding the additional volume required for the soakaway, ground levels and construction details.

In addition to the above, some concerns are expressed over maintenance arrangements for the soakaways particularly where these are to be located across rear gardens as on going maintenance is required to enable the performance of the soakaways to be maintained.

Environment Agency

No objection subject to conditions regarding surface water drainage and maintenance of the drainage system and contaminated land. In formatives are recommended regarding (amongst other things) water conservation, waste management, pollution prevention during construction and permits for the pumping station.

Tree Officer

Initially raised concerns to the proposal due to the raising of site levels along the eastern boundary and the effect this would have on trees in the vicinity. On the basis of amended plans has commented that no objections are raised to the proposal subject to a tree protection condition.

Wessex Water

Advise that the site will be served by separate systems of drainage constructed to current adoptable standards and provide general comments relating to the following: Predicted foul

flows from the development only may connect to the sewerage network, surface water will be discharged via soakaways, the water supply modelling team are assessing the water supply requirements for this site to determine the need for off site reinforcement. This will be covered by the Water Industry Act.

Connection to the foul sewer in St Michaels Gardens will be subject to confirmation of flow rates and pumping arrangements under Section 104 of the Water Industry Act.

Confirmation of Pumping Station arrangements will be subject to Sewers for Adoption design and pumping station addendum (7th edition).

Wessex Water would prefer raising the site levels to negate the need for a pumping station.

Open spaces society

Objected to the application on the following grounds:

Poor design. Vehicular access through St Michaels gardens will cause congestion and will be dangerous for pedestrians. Adverse impact on local schools in terms of generated places. Adverse impact on local footpaths resulting from the previous scheme. This application should correct previous mistakes such as removing trees and street lights and correcting ground instability on the path along the southern boundary.

NHS

Have not objected to the scheme. Have commented that the adjacent surgery has been built with capacity for additional housing resulting from this application. The funding for practices is largely generated through capitation payments based on the numbers of patients registered. This funding is used by the practice to employ staff and run services

Somerset Wildlife trust

Object to the proposal on the basis of a lack of ecological mitigation within the proposal, loss of hedgerow and potential for adverse impact upon protected species.

REPRESENTATIONS

Representations from 66 neighbours were received in response to consultation on the application. 62 of these representations were objecting to the proposal and 4 making representations. The following objections are raised:

Representations

Design

- Poor design that does not consider the local architectural vernacular
- 3 storey buildings out of keeping with local character
- Inadequate provision of public open space

Historic Interest and Geology

- Site of historic Petherton Quarry
- Fossil and geological finds on site

Policy

- Cumulative effect of new developments - Overdevelopment
- Does not accord with Local Plan Policies (specifically saved Policy ST3) - not a sustainable location, inadequate access, infrastructure and school places.
- Already a 5 year land supply demonstrated - noted difficulty selling houses in the previous developments
- No local demand for new houses - indicated by slow sell rates in previous

- developments in South Petherton
- No proven demand for houses in South Somerset
- Site not included in the Core Strategy
- Development based on old polices not compliant with NPPF
- Existing brownfield sites in larger centres should be utilised instead of agricultural land in smaller settlements.
- Loss of Towns character
- District Infrastructure insufficient to cope with new developments (District-wide)

Social

- Increased pressure on town services - particularly of local schools and doctors surgery (especially in light of other developments in town)
- Inappropriate ratio of children to households used when assessing education provision.
- Local Shops unable to cater for the demand from new residents
- Increased noise and pollution levels (especially from extra traffic)
- Lack of employment to support the residents of the development
- Proposed footpath would directly overlook into consultation rooms at the surgery
- Disruption and noise from construction traffic
- No benefits to local people or businesses

Highways & Parking

- Increased traffic danger to residents
- Concern over extra traffic and unsuitable roads-unsuitable for traffic and pedestrians
- Particular concern over HGV's
- Parking provision already inadequate and can-not accommodate the new development
- Particular concern over school parking and safety
- Lack of provision for public transport
- Cumulative effect of construction traffic for all the new developments
- Road access and layout could be much improved with alternatives suggested in representation
- Traffic Survey was inadequate
- Extra pollution, noise and vibration from new traffic.

Ecological

- Loss of wildlife habitat for slow worms, grass snakes, bats and insects
- Wildlife corridors should be considered
- Loss of hedgerows and trees
- Loss of Agricultural Land
- Encroachment on open countryside
- Loss of green space in South Petherton

Flooding

- Current drainage system at capacity
- Inadequate drainage to accommodate extra run-off

Other

- Attitude to developer towards the public consultation process
- Problems with construction traffic for current development
- Visitation of site by staff who assess the application
- Design at odds with Farley Fields development
- Insufficient thought paid to the local settlement character and impact on residents
- Service works not included in planning application

- Sewage Infrastructure

The following comments were received in relation to the amended plans consultation making the following additional objections and representations.

- The closing off of the vehicular links from the development into Lime Kiln Avenue will be an improvement for residents of St Michaels gardens.
- The closing of the vehicular links into Lime Kiln Avenue will leave only one vehicular access next to an open space which will be a health and safety issue.
- The lowering of ground levels is welcome, however the pumping station raises new concerns.
- The pumping station will require a three phase electrical supply and can therefore be affected by power cuts.

CONSIDERATIONS

The main planning considerations for this application are considered to be; the principle of residential development of this site; impact upon highway safety; impact upon neighbouring amenity; landscape impact/design; and planning obligations.

The principle of residential development of this site

The current Local Plan was adopted by the Council on the 5th of March (this is referred to as the emerging Local Plan in the Policy Departments consultation response).

Local Plan policies SS1, and SS5 are of most relevance to the principle of residential development on this site. The Local Plan identifies 4 tiers of settlement within which housing development is acceptable in principle. These are Yeovil as the most significant centre, 'secondly market towns' such as Chard, thirdly 'local market towns' such as Castle Cary and the fourth tier is settlements classed as 'rural centres' which includes (amongst others) South Petherton, Milborne Port and Bruton.

Policy SS5 sets out the expected housing numbers for the various settlements over the plan period (up to 2028). The total housing requirement for South Petherton over the plan period is 229 dwellings. As set out within the planning policy response, as at March 2014, 143 dwellings had been completed in the plan period to date (2006-14), with a further 87 dwellings under construction and 'committed' (granted planning permission but not yet started); meaning a total of 230 dwellings either built, under construction and/or committed at South Petherton. This would equal the expected housing figure for South Petherton for the period up to 2028. Approval of this scheme would exceed the guideline figure in policy SS5 by 90 dwellings.

However, it cannot be assumed that every one of the 87 dwellings consented is deliverable and therefore will be constructed, although the percentage that would not be delivered would probably be relatively low. It should also be noted that the housing figure for the whole South Somerset district over the plan period of 15,950 is a minimum figure. The figures within SS5 are also expressed as a minimum requirement.

Of significance to these considerations, policy SS5 emphasises the requirement to maintain the settlement hierarchy outlined above and ensuring 'sustainable levels of growth' in all settlements'. It is considered that the resulting housing number would not be so in excess of SS5 that it would not be commensurate with the overall scale of South Petherton.

Whilst the site is not 'allocated' in the Local Plan, policy SS5 identifies that a permissive

approach will be taken prior to the consideration of 'site allocations'. As such, individual applications will be assessed on individual merits rather than being considered unacceptable on the basis of being submitted for consideration prior to housing sites being allocated.

It should also be considered whether the proposal would represent 'sustainable growth'. In this regard, the site is considered to be a logical location to accommodate growth given the relationship with existing recent development, including dwellings and the adjacent medical facilities. It is further noted that there is acceptable infrastructure adjoining the site in terms of vehicle and pedestrian accessibility.

Having regard to the above, it is considered that the principle of residential development is acceptable, however the acceptability of the proposal is dependant on the planning considerations detailed below.

Impact upon highway safety

Subject to conditions and a travel plan, the Highway Authority have confirmed that they have no objection to the amended plans both in terms of the overall impact on the wider highway network and in terms of the detailed layout of the proposed development.

The requested conditions include (amongst other things) means of access, parking and visibility.

In terms of parking, the scheme is considered to provide an acceptable level of provision, however amended plans are awaited which include some additional parking spaces.

The County Council has an adopted parking strategy which sets out optimum parking standards for development. Having regard to the location of the site the strategy sets out the following optimum standards:

- 1 bedroom unit- 1.5 spaces
- 2 bedroom unit- 2 spaces
- 3 bedroom unit- 2.5 spaces
- 4 bedroom unit- 3 spaces

In terms of the overall number of spaces the development would comply with the total number of spaces required having regard to the parking strategy. However, there are some examples within the development where the provision for individual plots would be below the standard (others provide over the standard). For example two 4 bedroom units would have two spaces each instead of three, two other 4 bedroom units would have 'undersize' garages which provide the third spaces, the 1 bed units overall would provide 1.25 spaces per unit instead of 1.5 and provision for the 2 bed units would be one space for two of the plots and for two other units would include 'undersize' garages as the second space.

Notwithstanding the above, given that the overall provision accords with the parking strategy, it is considered that the impact of a slight under provision for some of the plots would not result in an impact of such significance to justify refusing the application.

In terms of the impact of construction traffic, the Highway Authority do not object to the proposal. The site levels have been designed to achieve as close as possible a 'balance' in terms of material on site to ensure that large amounts of soil import or export are not required.

Whilst not requested by the Highway Authority, given the residential nature of the construction access it is considered reasonable to condition secure agreement of a construction environmental management plan. This will ensure agreement of measures to minimise disruption to local residents.

Landscape Impact/Design

The site is physically contained on three sides with a hedge along the eastern, northern and western site boundaries. The boundary to the south would be open with proposed dwellings fronting the existing access road.

Other than for the creation of the central open space and the provision of pedestrian linkages, the existing hedge boundary to the northern, eastern and western boundaries would be retained.

The application in its original form was considered to be very poor in terms of the standard of overall design. However, amended plans have been received that have made significant alterations to the scheme as outlined at the start of this report.

A significant alteration to the scheme is the inclusion of a pumping station which will allow the proposed dwellings to be set at approximately the existing ground levels within the site. This will significantly reduce the visual profile of the development when viewed from vantage points outside the site. In addition, the layout has been reconfigured to provide approximately a 22 meter buffer between the proposed dwellings and the eastern boundary and the three storey buildings have been removed from the scheme.

The applicants have worked with the Councils Landscape Officer on amending the landscape scheme. This includes the provision of an acceptable number and variety of trees and shrub planting within the scheme. The existing trees to the eastern site boundary would be retained and these would provide some softening to the visual impact of the scheme and will assist in assimilating the scheme into the wider landscape. Given the importance of these trees, it is recommended that measures for their protection during construction are secured through a planning condition.

Having regard to the above, it is considered that the proposed development would have an acceptable impact on the immediate and wider landscape.

In terms of design details, the proposed dwellings would be of simple design and do not contain features that would be overly incongruous or visually jarring and they would be similar to those in the adjoining development to the west of the site.

Notwithstanding the above, the mix of materials within the scheme can be tailored to reflect local character. It is considered that there is an over provision of red brick within the scheme, particularly to the eastern boundary where the proposed dwellings would have most impact on wider views. However, it is accepted that some red brick would be acceptable given the context of the development. As such a planning condition requiring a revised scheme of materials is considered necessary and reasonable.

The density of the proposal would be relatively high at 35 dph (gross) and 44 dph (net). This compares with 32 dph (gross) and at the adjoining site to the west and 44 dph (gross) at the older site to the south of the site. As such, whilst the density is relatively high for a village edge location, it would not appear out of place alongside this existing development.

As such the scheme is not necessarily acceptable or unacceptable on the basis of the density alone. The acceptability of the scheme depends on the detailed design. One of the issues that the amended plans have addressed to some degree is the relative dominance of car parking to the building frontages. It is noted that the road into the development now has pairs of semi detached dwellings to the eastern side of the road with parking in between the dwellings and other minor improvements have been sought across the site for example, utilisation of parking courts and additional soft landscaping such as trees and 'instant hedgerow' to soften the visual

impact of parked cars. Having regard to these improvements, it is considered on balance that the proposal is acceptable in this regard.

Having regard to the above, subject to conditions, the proposal is considered to accord with policy EQ3 of the South Somerset Local Plan.

Planning Obligations

Policy SS6 of the Local Plan allows for the provision of planning obligations to provide or contribute towards community facilities directly related to and commensurate with the proposal. The level of planning obligations sought are considered to be in accordance with the NPPF and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (2010). Planning obligations in this instance include contributions towards sports and leisure facilities, provision of affordable housing, education provision and travel plan.

The SSDC Community, Health and Leisure department have assessed the proposals and have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £193,800.45 (£3,955.11 per dwelling). These contributions will be secured through the S. 106 agreement.

Affordable Housing

The applicant has confirmed that 31 of the 89 proposed properties will be affordable in accordance with policy HG3 of the South Somerset Local Plan.

There is one additional 3 bed unit and one less 2 bed unit compared to the mix suggested by the housing officer. Whilst the proposed mix differs slightly, it is considered that the difference is minimal and the proposal will nevertheless meet an affordable housing need.

It is noted that the floor areas for the 2 and 3 bedroom units would not comply with HCA guidelines and it is further noted that the 3 and 4 bed units are 5 and 6 person dwellings rather than 6 and 8. However, the particular housing provider that the developer is understood to be in discussions with have previously accepted slightly undersize units and it is further noted that 2 and 3 bedroom affordable units are more generous in terms of size compared to the open market units. Overall, it is considered that the slight shortfall in floor area of some affordable units is considered to be acceptable and it is not considered sufficient grounds to refuse the application.

The Housing Officer has also requested in their consultation that the units should be 'pepper potted' throughout the site and that the units are developed to blend in with those proposed. In this case, the units are designed to blend into the development as a whole and they are not located in a poor quality part of the site in terms of overall outlook. As the proposal is considered to be acceptable in this regard.

Education

The development would generate the need for an additional six junior school places, and as the local junior school is currently over capacity a contribution will be required. The cost per place being and a contribution of £122,570 has been requested from the County Council to provide additional provision in the future.

Concerns have been raised by local residents and the Parish Council in terms of the number of school places the proposed development would generate and there are concerns that the predicted number of school places given by the County Council are an underestimate. This concern is acknowledged. However, the applicants have proposed to meet the financial contribution required by the County Council and as such they County Council do not object. The County Council have stated that the triggers for payment should be earlier than the

applicant has proposed (40th dwelling) and this will be secured through the S. 106 agreement.

Impact upon residential amenity

The impact on the amenities of existing occupiers is considered to be acceptable given the distances and orientation of the proposed dwellings in relation to the existing dwellings alongside the southern and western site boundaries. In addition to this, the layout of dwellings within the site is such that there would be acceptable conditions for future occupiers in terms of privacy. All of the dwellings (not flats) would have access to a private garden. Whilst some of the flats would not have this facility, there is access to a range of open space nearby and therefore the scheme is acceptable in this regard. Consequently, it is considered that the proposed dwellings will have an acceptable impact on the amenities of current and future occupants and therefore accords with policy EQ2 of the South Somerset Local Plan.

Other Issues

Drainage/flood risk

The application is accompanied by a Flood Risk and Drainage Assessment which has been amended to accommodate the revised layout. The site is located within Flood Zone 1, low risk, and hence suitable for all development according to the NPPF.

The drainage scheme works on the principle of retaining all runoff water within the site to mimic existing conditions. It is noted that the Environment Agency have not objected to the proposal subject to a condition to agree a drainage scheme.

The Councils engineer has not objected to the proposal in principle, however some additional technical details have been requested including details of the proposed management arrangements for the drainage scheme. These details have been requested and committee will be updated with these details at the committee meeting.

Overall, the aims of the drainage strategy are considered to be acceptable. Notwithstanding the submission of an outline drainage scheme, it is considered that there is sufficient information to be confident that an acceptable scheme can be achieved. It is recommended that this is secured through a planning condition.

Public Rights of Way

The public rights of way officer has not objected to the proposals. It is considered necessary to include a condition in relation to the potential footpath links to the northern and eastern boundaries. An informative is recommended regarding the link to the eastern boundary advising the developer to contact the developer and the relevant landowner(s) to make arrangements for the link to be achieved.

Comments are submitted by the Rights of Way Officer in relation to the footpath along the southern site boundary. There are some outstanding issues relating to the existing development along the southern site boundary and the presence of trees and streetlights in the line of the public footpath. This is considered to be an issue for resolution between the County Council and the developer.

There is also subsidence of the tarmac surfaced footpath at the south eastern corner of the site. The subsidence could potentially be resolved via strengthening of the bank within the application site. It is considered that a condition is an appropriate mechanism to resolve this stability issue.

Wildlife

The Habitat Survey Report which accompanies the application advises that the site could

contain reptiles and therefore there could be harm to a protected species. A condition requiring a mitigation plan for the protection of reptiles is recommended.

Paragraph 18 of the NPPF requires that development delivers ecological enhancement. It is therefore considered necessary and reasonable to include an appropriate planning condition to secure agreement of these measures and their implementation.

Travel Plan

The applicants have been in on going discussions with the County Council to agree the content of the travel plan and it is understood that the content has now been agreed in principle. Once agreed with the County Council, the measures within the travel plan will form part of the S. 106 agreement.

Having regard to the scale of the development it is considered necessary that the content of the travel plan is secured through a S. 106 agreement.

Agricultural land

The proposal would result in the loss of grade 3a agricultural land. The NPPF requires that planning authorities take into account the economic and other benefits of the best and most versatile agricultural land and to seek the use of areas of lower quality in preference.

The response from the planning policy department confirms that the grade 1 land predominates around South Petherton. It is accepted to a certain degree that the provision of housing to meet the needs of the district are not compatible with a desire to protect all higher grade land. Notwithstanding this, the loss of grade 3a land has to be balanced against the benefits of the proposal. The overall need for housing within the district, the social and economic benefits and the acceptability of the site in landscape terms weigh in the schemes favour. Overall it is considered that the benefits associated with the provision of housing outweigh the harm associated with the loss of the land.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, a screening opinion was issued in December 2014 (12/03320/EIASS). The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment. It was determined that in this case an Environmental Impact Assessment was not required.

Conclusion

The proposed development is located in a sustainable location, provides considerable social benefits such as affordable housing and will provide a relatively significant contribution to overall housing supply within the district. The impacts of the scheme would be acceptably mitigated through planning obligations and is considered to be acceptable in terms of residential amenity, highway safety and visual amenity. As such, is considered that the proposal would accord with the definition of sustainable development set out in paragraph 7 of the NPPF. Notwithstanding the inconsistency with the guideline housing number specified in policy SS5, it is nevertheless considered there is general compliance with the aims of policy SS5 and the proposal would not conflict significantly with the 'settlement strategy' for the district outlined in policy SS1 and SS5.

Having regard to the above, given the material considerations discussed in the report and the lack of demonstrable harm and overall compliance with the development plan, it is recommended that planning permission is granted.

RECOMMENDATION

Subject to confirmation of receipt of acceptable amendments in relation to the provision of additional parking spaces, APPROVE planning application no. 14/04142/FUL subject to:-

- 1) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure the following;
 - a) The agreed contribution to off-site play provision (to the satisfaction of the Local Planning Authority):-
 - £216,357 to be used for local facilities.
 - £102,718 to be used for strategic facilities.
 - £69,346 as a commuted sum towards local services.
 - £3,884 as the Community, Health and Leisure Service administration fee.
 - b) To ensure that 31 of the residential units are affordable, two thirds social rented and remain available long term to satisfy local need as set out by policy HG3 of the South Somerset Local Plan (to the satisfaction of the Local Planning Authority);
 - c) Contribution towards education of £122,570 to provide additional school school places. Trigger for payment of the contribution by the occupation of the 40th dwelling.
 - d) An appropriate Travel Plan which includes any necessary financial contributions as required by Somerset County Council.
- 2) The following conditions:
 01. The proposed development is located in a sustainable location, provides considerable social benefits such as affordable housing and will provide a relatively significant contribution to overall housing supply within the district. The impacts of the scheme will be acceptably mitigated through planning obligations and is considered to be acceptable in terms of residential amenity, highway safety and visual amenity. As such, is considered that the proposal would accord with the definition of sustainable development set out in paragraph 7 of the NPPF. Notwithstanding the inconsistency with the guideline housing number specified in policy SS5, it is nevertheless considered there is general compliance with policy SS5 and the proposal would not conflict significantly with the 'settlement strategy' for the district outlined in policy SS1 and SS5 and complies with the requirements of policies SS6, HG3, TA4, TA5, TA6, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2015).

SUBJECT TO THE FOLLOWING:

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

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

02. Other than as required by the following schedule of conditions, the development hereby permitted shall be carried out in accordance with the following approved plans:
101 Rev. C; 100 Rev. G; 207-1 Rev. A; 211 Rev. E; 105 Rev. D; 200 Rev. G; 207-2; 209 Rev. C; 210 Rev. B; 107 Rev. E; 104 Rev. D; 106 Rev. E; 112; 110 Rev. D; 111 Rev. C; 301 Rev. D; 300 Rev. D; 302 Rev. B; D1161P3TPP; 208 Rev. B; 120-1-1 Rev A; 121-1-1 Rev A; 121-1-2 Rev. A; 140-1 Rev. B; 126-3-1; 128-3-1; 120-3-1 Rev. A; 133-1-1 Rev. A; 130-1-1 Rev. A; 132-1-1 Rev. A; 124-1-1; 124-4-1 Rev. A; 132-4-1; 136-4-1; 137-4-1; 138-4-1; 130-5-1 Rev. A; 132-5-1 Rev. A; 121-3-1 Rev. A; 124-3-1; 121-2-1 rev. A; 124-2-1; 124-2-2 rev. A; 128-2-1; 138-4-1; 108 Rev. B108-1; D11 61 P1 only.

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

03. Notwithstanding the details submitted within the approved plans, no development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a. revised schedule of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
 - c. panels of brickwork and stonework shall be provided on site for inspection;
 - d. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - e. revised particulars of boundary treatments, including at the turning heads adjacent to plots 36 and 37 and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
 - f. details of meter cupboards and gas boxes, including location, colour and finish;

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

Reason: To safeguard the character and appearance of the area in accordance with policies EQ3 and ST6 of the South Somerset Local Plan 2014.

04. No development hereby approved shall be carried out until a drainage scheme for foul and surface water drainage to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure satisfactory drainage at the site.

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface and foul water drainage system, including a schedule of maintenance, including timetables and funding thereof has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes

06. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

07. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters.

08. The completion of all communal public areas (including all open space identified on plan no. 210 Rev. B), all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping, Drawing No.'s 300 Rev. D; 301 Rev. D and 302 Rev. B; and foot path links as indicated on the approved plans shall be carried out and in accordance with a phasing and timetable to be agreed in writing by the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with Policy EQ3 of the South Somerset Local Plan (2015).

09. The hedgerow to the northern and eastern site boundaries and existing trees to the eastern boundary identified on plan No. D11 61 P1 shall be retained and shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as

soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy EQ3 of the South Somerset Local Plan (2015).

10. The development hereby permitted shall not be commenced until a scheme for the maintenance, including satisfactory details of the funding arrangements and a schedule of maintenance of the communal open spaces (including site boundaries) scheme shown on the submitted plan no. 210 Rev. B and a timetable for the implementation of the approved scheme. Once approved the approved scheme shall be adhered to unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure appropriate provision of cycle access within the site in accordance with Policy TP4 of the South Somerset Local Plan (2015).

11. No works shall be undertaken on site unless a scheme for the mitigation of impacts on reptiles and amphibians (including a scheme of appropriate working practices should reptiles or amphibians be encountered) and a programme of implementation has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and programme of implementation.

Reason: To mitigate the impacts on amphibians and reptiles in accordance with policy EQ4 of the South Somerset Local Plan (2015).

12. No works shall be undertaken on site unless a scheme of ecological enhancements and a management scheme for all retained and new habitats for the site has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall remain in perpetuity in accordance with the approved details.

Reason: To ensure ecological enhancements within the site in accordance with policy EQ4 of the South Somerset Local Plan (2015).

13. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure that archaeological remains are adequately recorded having regard to policy EQ3 and the relevant sections of the NPPF.

14. No development hereby approved shall take place until details of the construction and materials for the footpath links to the eastern site boundary, through the central open space and through the open space alongside the northern boundary, including construction details at the point of access onto existing rights of way and details of the provision of any associated infrastructure such as gates have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable level of pedestrian permeability to accord with policy TA5 of the South Somerset Local Plan (2015).

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

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2015).

16. There shall be no obstruction to visibility greater than 600millimetres above adjoining road level forward of a line drawn 2.4 x 43 metres back and parallel to the nearside carriageway edge over the entire site frontage at the south western boundary of the site. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2015).

17. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved plan. The Plan shall include:

Construction vehicular routes to and from the site;

Hours of construction and deliveries.

Expected number of construction vehicles per day;

Car parking for contractors;

Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

A scheme to encourage the use of Public Transport amongst contractors; and

Measures to avoid traffic congestion impacting upon the Strategic Road Network.

A scheme to ensure that all vehicles associated with the development when leaving the site do not emit dust or deposit mud or debris on to the highway. The agreed scheme shall be in place for the duration of the construction of the development hereby approved.

Reason: To prevent pollution to the land and water environment and to protect the amenities of local residents and occupiers and in the interests of highway safety in accordance with policy EQ2 of the South Somerset Local Plan (2015).

18. No development hereby approved shall be commenced until details of the pumping station, including materials, finish, hardstanding and boundary treatment have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity to accord with policy EQ3 of the South Somerset Local Plan (2015).

19. The earth banking within the lower open space adjoining the south western site shall be carried out in accordance with plan No. 111 Rev. C. Details of the making good and reinforcement of the existing bank at this location shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the enjoyment of users of the public right of way in accordance with policy EQ2 of the South Somerset Local Plan (2015).

20. No development hereby approved shall be commenced until details of the phasing of the overall development including construction and completion of the dwellings (including all affordable dwellings) and the completion of the open space and landscaping as agreed by this permission has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the comprehensive development of the site in accordance with policy EQ2 of the South Somerset Local Plan (2015).

Informatives:

01. Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager must be consulted.

Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

The applicant is advised that the County Highway Authority may require a condition survey of the existing public highway prior to the commencement of works. The applicant is further advised to contact the Highway Authority in relation to this matter.

02. The applicants attention is drawn to the informatives and notes contained within the Environment Agency's letter of 16th October 2014.
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Agenda Item 13

Officer Report On Planning Application: 14/04123/OUT

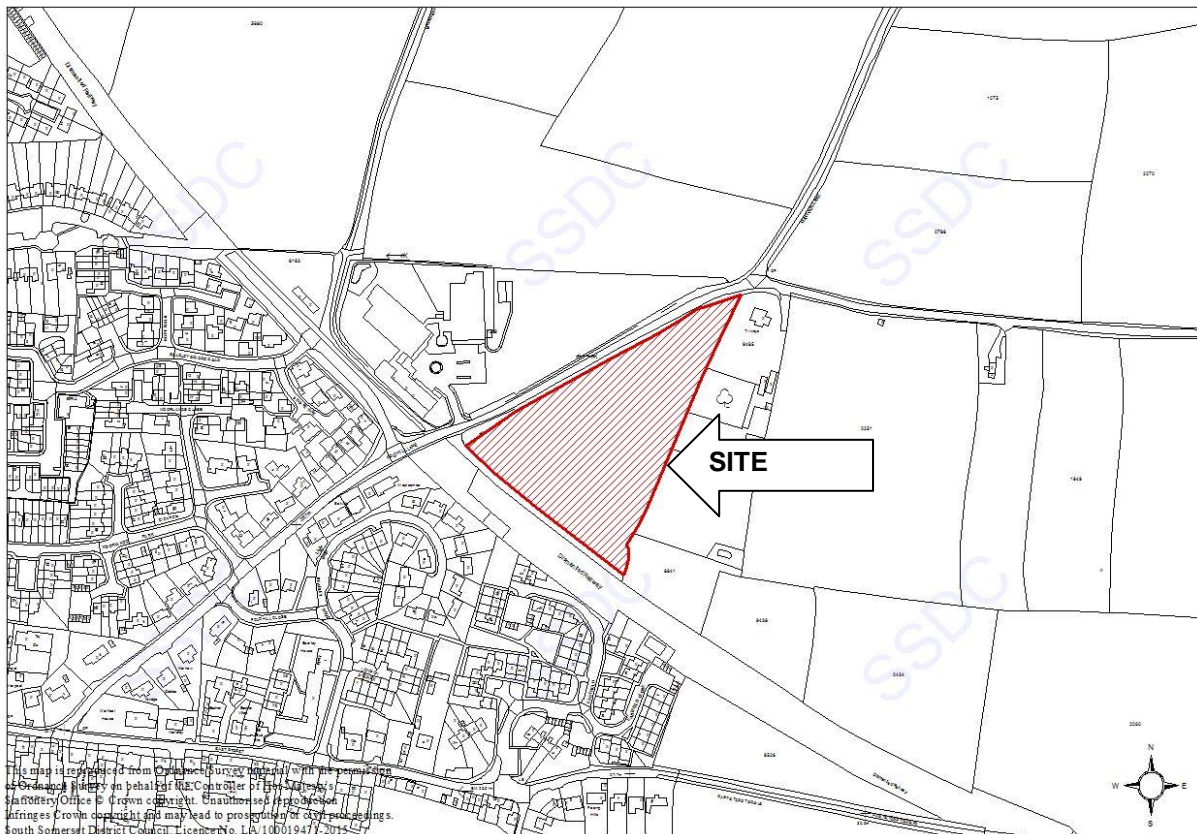
Proposal :	Outline application for residential development of up to 35 dwellings (GR: 346832/119532)
Site Address:	Land Adjacent Triways, Foldhill Lane, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr G Middleton Cllr P Palmer
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	10th December 2014
Applicant :	Martock Farms Ltd
Agent: (no agent if blank)	Mrs Janet Montgomery, Wessex House, 8 High Street, Gillingham SP8 4AG
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chairman to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The site is triangular plot of agricultural land on rising ground to the western edge of Martock, off Foldhill Lane. It covers approximately 1.57 hectares and is located beyond the defined development area of Martock. The site is bounded by mature hedgerows and trees to all boundaries and is physically divided from the developed edge of the village by a dismantled railway line, which is now also heavily planted. This former railway line (Durstons to Yeovil branch line) is a designated archaeological site. Public footpaths run along the south and east boundaries of the site, with the eastern footpath within the site itself. The nearest development comprises modern housing development to the north of East Street, such as Bearley Road and Moorlands Park. A residential care home has recently been built on the land opposite the application site, on the north west side of Foldhill Lane, land which is also outside of defined development limits. A neighbouring property (Triways) is positioned on land immediately north of the site.

An application for outline planning permission for the development of up to 46 house, with all matters reserved (14/01330/OUT), was recently refused as it was considered that it would have an adverse impact on local landscape character, insufficient information had been provided to properly address the drainage of the site and also that there had been a failure to demonstrate within the course of the application that there would be no severe impact on highway safety.

This application seeks to address the previous reasons for refusal of planning application 14/01330/OUT. It now comprises an application for outline planning permission for the development of up to 35 with all matters reserved. Alterations to the indicative site layout are proposed to address the landscape concerns, while full transport information is provided to enable full assessment of highway safety issues. Further details within the flood risk assessment and additional drainage strategy information are intended to provide sufficient information to be able to now address the impact of drainage proposals.

The application is supported by:

- Design and Access Statement and Planning Statement
- Flood Risk Assessment and Additional Information on Drainage Strategy
- Transport Statement
- Ecology Survey
- Statement of Community Involvement

HISTORY

14/01702/EIASS: (EIA Screening and Scoping Request) Outline application for residential development of up to 46 dwellings - Screening opinion issued - EIA not required.

14/01330/OUT: Outline application for residential development of up to 46 dwellings - Application refused on the basis of an adverse impact on local landscape character, provision of insufficient information for the drainage of the site to be properly addressed and also a failure to demonstrate within the course of the application that there would be no severe impact on highway safety.

POLICY

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

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Climate Change

Conserving and Enhancing the Historic Environment

Design

Natural Environment

Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space

Planning Obligations

Rural Housing

Travel Plans, Transport Assessments and Statements in Decision-taking

Water Supply, Wastewater and Water Quality

Policy-related Material Considerations

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

Martock Peripheral Landscape Study (2008)

Martock Sustainable Development Plan (July 2013)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments

Goal 4 - Quality Public Services

Goal 8 - Quality Development

Goal 9 - Homes

Goal 11 - Environment

CONSULTATIONS

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

Martock Parish Council: Recommend refusal of this application on the following planning grounds:

- Martock's Sustainable Development Plan states that no more than the target allocation for new houses as set out in the Local Plan should be built in the Parish. Martock has already fulfilled its contribution to the 5 year land supply and should not be asked to exceed this as the increase will make sustainability even more difficult than it is now
- The developer needs to demonstrate that the drainage system is capable of taking the amount of run-off that would be produced in terms of the capacity of the pipes and the design of the existing pipe and sump system

- Lack of pavements to the site on Foldhill Lane
- Access onto a 60mph limit road
- Cycleway safety to either Ash or Martock primary schools
- Loss of agricultural land
- Additional vehicles will impact on the wider road system in the parish, including East Street. Traffic is often congested here already

However if SSDC is minded to approve the outline application the following conditions should be required

- A statement from Highways regarding recommended improvements to the junction of La Fontana Care Home and Foldhill Lane are required to safeguard pedestrians, cyclists and other road users. The plans state that this junction is safe for vehicles travelling at 37mph, but the road at the point of access to the site is subject to the National Speed Limit. This needs to be addressed.
- A condition should be added to the planning permission for this application, preventing any further development adjacent to this area
- A detailed survey of the existing sump and drain pipework and the existing pipework under the disused railway at the South East corner of the site be carried out

County Rights of Way: No objection in principle, although it is noted that the current proposal indicates that the public footpath crossing the site will be obstructed. As such the proposal will need to be revised or a diversion order applied for. In the event of planning permission being granted, the applicant should be informed that this does not entitle them to obstruct the public right of way.

County Archaeology: The site lies very close to the medieval town and in a landscape where prehistoric and Roman remains are likely to be present. In this particular case, it is felt that any archaeology can be dealt with through a condition.

For this reason it is recommended that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

County Education: Confirmed that a development of 35 dwellings would require seven primary school places and one pre-school place. It is noted that there are a small number of primary school places available at Martock CE Primary School, however these are not sufficient when taking into account the projected growth of Martock in the coming years, notwithstanding recently consented developments that will further exacerbate this problem.

At a cost of £12,257 per place, there is a need for development contributions of £85,799 for primary school places and £12,257 for the pre-school place, totalling £98,056.

SSDC Climate Change Officer: Has referred to Building Regulations requiring consideration of high-efficiency alternative energy systems and requirement to build to Code for Sustainable Homes level 4. Does not support the indicative site layout as the properties are not well orientated for solar PV. Disappointed that there is no further comment included in the proposal in respect to provision of renewable energy generation equipment. It is requested that more information is provided and a revised layout considered at reserved matters stage.

SSDC Environmental Protection Officer: Suggested a condition requiring the investigation and implementation of an appropriate remediation strategy in the event of contamination being found on site.

Wessex Water: The comments of the previous planning application are repeated. Furthermore, it is requested that a condition is imposed specifically relating to foul water disposal.

Comments received in relation to previous planning application 14/01330/OUT The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

The applicant is advised to contact Wessex Water to discuss connection to the existing public foul sewerage system. Connection via the sewers to the south of the site in Bearley Road will not be possible; the sewers are mostly 100mm in diameter and will not have the capacity to serve an additional 46 dwellings.

Subject to level information and confirmation of flow rates a gravity / pumped connection may be possible to the system to the east of the site and the manhole adjacent the existing care home. This connection will be for foul drainage only there must be no surface water connections to the public foul sewerage system. There will be limited capacity within local existing systems for any potential future phases of development.

The applicant has indicated a SuDs solution for the discharge of surface water on the submitted planning application form. Your Authority must be satisfied with arrangements; there must be no surface water connections to the public foul sewerage system. Connection to watercourse will require the approval of the Land Drainage Authority.

Water supply network modelling previously undertaken for the site indicated limited available capacity in the 3"/4" mains to the north and east of the proposed development. A connection point was identified to the south of the site to the 6"CI main in Stoke Road adjacent to Fosseyway Farm. Arrangements can be reviewed upon receipt of instruction from the applicant. If a long off site mains is required to serve the development this may be requisitioned under Section 41 of the Water Industry Act; a contribution in the form of a commuted sum will be expected from the developer.

SSDC Housing: 12 affordable units (based on 35 in total), is expected. A split of 2/3 social rent (8 units) and 1/3 shared ownership or other intermediate solutions (4 units), is expected. Properties should be pepper potted through the site. Further discussions are required at reserved matters stage to assess the property types required based on data from the Housing Register - Homefinder Somerset.

SSDC Community, Health and Leisure: A contribution of £172,234 (£4,924 per dwelling) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

- £96,728 towards local facilities.
- £41,995 towards strategic facilities.
- £31,895 as a commuted sum towards local services.
- £1,706 as the Community, Health and Leisure Service administration fee.

It is recommended that £57,548 is required upon occupation of the first 25% of the proposed dwellings, £72,781 upon the occupation of 50% of the proposed dwellings and the final £41,995 upon occupation of 75% of the proposed dwellings.

SSDC Open Spaces Officer: As the proposal is under 50 houses, no onsite provision of open space is requested.

Environment Agency: No objections, subject to imposition of conditions to agree the technical details of the proposed drainage scheme and detail of management and future maintenance of the drainage arrangements. Standard informatives are also suggested.

Somerset Drainage Board Consortium: The Board has raised concerns about the suggested surface water drainage disposal strategy and future maintenance of the infrastructure proposed. They have identified that the site is within an area of Martock where surface water runoff may be contributing to increased flood risk downstream, within the Parrett Internal Drainage Board area. The Board do not wish to see these identified problems exacerbated by the development and therefore would expect to see a robust and fully maintained surface water drainage scheme submitted in support of the application. The lack of detail in regard to the proposed SuDS and the capacity of the land to accommodate them is of concern.

Following the consideration of additional drainage strategy details, concerns remain in respect to the lack of clarity over future maintenance of infrastructure proposed to service the development and that the drainage concept is still reliant on discharging all surface water into a piped system that is maintained by the Highway Authority, as it is unclear whether the County Council would consent to discharge into their system.

County Highway Authority: Note that all matters relating to access and layout are to be dealt with at reserved matters stage. The Highway Authority confirm however that they have no objections in principle to the proposal. In terms of access and potential traffic generation, it is advised that the required visibility splays of 2.4m by 82m are achievable and that the expected number of vehicular movements to be generated would not be considered to have a severe impact on the existing highway network. It is considered that the indicative levels of parking are in line with the Parking Strategy and that the indicative road/footway widths and turning head numbers and types appear acceptable. Full details would however be expected at the technical details stage. Similarly in respect to drainage, there are no objections in principle at this stage. No specific comments have been made in respect to the proposed drainage strategy, other than that all drainage matters, including any agreement to connect to the existing highway drainage system, would be dealt with at technical detail stage. Standard highway conditions have been suggested.

SSDC Ecologist: The ecological survey (David Leach, April 2014) is noted. This didn't identify any particularly significant wildlife issues. NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife (e.g. native species planting, bird boxes) within new developments. It is therefore recommended that any consent should include a condition requiring details of measures for the enhancement of biodiversity to be submitted for approval and subsequently implemented.

Further to the above comments, I was contacted by a member of the public about this site. She recounted a conversation some 20 years ago with a former owner of the site about a possible rare plant that a specialist was going to come and have a look at. She didn't know what the outcome was but wondered whether there might be any relevant records and whether it may be pertinent to the current application.

I've checked with the records held at the Somerset Environmental Records Centre (SERC) - the most likely place for any such records. There are some 'notable' plant species recorded in the wider area. However, the location of these records is only low resolution (10km square) and there aren't any records specific to this site. All the same, I visited the site today to check for any notable or rare arable weeds. Unfortunately the land had been very recently ploughed and tilled and only bare earth was visible. The margins of the field had a dense,

well-established cover of coarse grasses, nettles, hogweed and docks; a habitat type that is very unlikely to have any plants of conservation significance.

Given the recent agricultural management, it was inconclusive whether the site has any notable arable weeds. However, I consider the potential for this to be the case to be low, and I don't consider it to be a justifiable constraint to the proposed development.

Somerset Wildlife Trust: Generally support the findings of the Ecological Survey, however request that more detail be provided in respect to mitigations measures such as number of bat/bird boxes, use of native species planting, design of external lighting and boundary fencing, it is requested that the additional detail is required by condition.

SSDC Tree Officer: Comments received in relation to previous planning application 14/01330/OUT The site is enclosed on all three sides by a species-diverse hedgerow, with some hedgerow trees of various ages & species within. The mature Ash adjoining the proposed site entrance (please refer to Fig 1 below) is suffering significant die-back and ought not to constrain development. However, there are a number of healthy young Oaks and Field Maples within the hedgerow, which could be conveniently retained ('promoted as standards') within a future site-layout. I also recommend re-introducing a scheme of hedgerow management techniques such as laying, coppicing and gapping-up to regenerate the sparser areas and to make other sections more manageable for future residents.

I have no objection to this outline proposal, on the basis that a scheme of tree & hedgerow management & protection is secured. I also recommend securing a scheme of tree and shrub planting.

SSDC Landscape Architect: No over-riding landscape grounds for objection - The revised outline application is noted, and relevant sections of my original comments follow this response, which in relation to the principle of development, still have some validity.

My concern with this site has always been its general elevation above the adjacent level of residential Martock, and its location outside the alignment of the former (disused) rail-line, which currently defines a clear residential edge, to make the main landscape issue one of principle. The illustrative plan now before us has drawn the extent of development back from the higher ground, such that (i) house form is not sited above the 37m contour, and (ii) housing at the north edge does not exceed 1.5 storey. This will reduce the landscape impact of the development proposal, as its general elevation will not be so markedly at variance with that of the existing housing edge, and the more compact arrangement of housing is also a better arrangement relative to adjacent built form. Consequently, whilst landscape concerns remain - due to the breaching of what is a strong residential boundary (the former rail line) - I consider other landscape concerns potentially overcome by the revised indicative, and principles set out in the D&A statement. As such, there are no longer over-riding landscape grounds for objection.

If minded to approve, please condition;

- (i) A detailed levels proposal submitted with the scheme;
- (ii) A 1.5 storey limit - or possibly as limit on ridge height - for the housing at the north edge.
- (iii) A detailed landscape proposal

A comment on the indicative, should a detailed submission come forward in similar form, the footpath (right-of-way) is integrated into the POS to the north, and linkage created to the housing - potentially by the north end of the southernmost terrace.

Planning Policy: The proposal for 35 dwellings at Foldhill Lane, Martock, is effectively a

re-submission of the proposal 14/01330/OUT (albeit this application was for 46 dwellings). The Planning Policy comments June 17th on the original proposal still apply.

To update these earlier comments in relation to the Council's recent consultation on Main Modifications to the emerging Local Plan (eLP), it was clarified that the "permissive approach" that will be applied in Policy SS5 in advance of the Site Allocations Development Plan Document is for housing proposals "adjacent to the development area at Rural Centres" (which includes Martock). The development area boundary followed the western edge of the dismantled railway line, and the proposal borders the eastern edge so was not considered to be "adjacent" to the development area, and therefore not fully in accordance with eLP Policy SS5. It was however considered that the distance was relatively small and, as the eLP was not adopted at the time of the Policy comments being received, it was not advised that refusing the proposal solely on these grounds would be appropriate. The "consequences" of this detachment from the existing urban area, for example regarding landscape impact, should be considered in relation to the benefits of additional housing, consistent with the National Planning Policy Framework 'presumption in favour of sustainable development'.

Since receipt of these Planning Policy comments, the South Somerset Local Plan(2006-2028) has been adopted. As such, adopted policy SS5 is a key consideration and the comments in respect to this take precedent.

SSDC Technical Services: Initial concerns were raised in respect to many aspects of the proposed drainage strategy, including ability to implement the proposed scheme and in respect to future maintenance responsibilities. Following submission of additional information, the following comments were received:

I have been involved in discussions with Matt Langdon from RMA Environmental concerning the proposed post development proposals and the letter of 25 February 2015 addresses the issues raised but also accepts that there are issues to be resolved at detail design stage. It is important to accept that this may affect the layout and potentially the number of units that can be accommodated on the site.

In summary the accepted conceptual drainage strategy comprises attenuated storage to limit the post development runoff to a value less than the calculated greenfield runoff. This figure has been agreed at 6l/s at the outfall to Foldhill Lane.

Infiltration testing has not been carried out and I would suggest that as a condition that this be done to determine if there is any scope to adopt infiltration SUDS at least in part and the developer has accepted this principle.

There is also a potential issue with the water that ends up in the overgrown area and has been referred to as a 'pond'. The developer has accepted that the drainage area here has not been determined fully and will be considered in the detail drainage design.

Each area has been referred to as a sub catchment and the design indicates that the flow from each of these will be restricted at various discharge rates.

It has been indicated that the future maintenance will rest with the developer and the regimes etc would be set out at detail design stage but where not adopted via a private management agreement.

As far as the detailed design is considered we will need to see as a minimum the following:-

- Verification of the infiltration characteristics by appropriate testing which should also

- indicate representative ground water levels
- For each of the final design of any soakaway, storage and control features
- Effective depth and volume for each soakaway including sections showing levels, inspection and maintenance access and construction details
- Depth and volume of each storage facility including sections showing levels, inspection and maintenance access and construction details
- Construction details of the control features including specification of the control mechanism and maintenance requirements
- Upstream silt traps indicating size and construction details
- Link pipe details and levels indicating how these will be designed to work and long sections of pipework

Maintenance arrangements:

- Schedule and/or plan indicating ownership of pipelines and features post development demonstrating clearly who will be responsible for the inspection, maintenance and replacement as necessary of the features
- Detailed schedule indicating maintenance requirements including how if necessary the media can be replaced particularly relevant if soakaways are positioned in back gardens etc. It is accepted that this can vary but there are recommendations for inspection maintenance at various times during the development. It will also include access arrangements and it is suggested that maintenance features such as silt traps be positioned in such a way to provide easy access for both inspection and silt removal work as required
- How the SUDS features will be protected during construction phase to prevent both silting from construction activities and also surcharge of the ground which may affect infiltration rates and therefore the design. An example of this would be stockpiling spoil in the area of the soakaways

REPRESENTATIONS

10 letters of objection have been received from 8 local residents, raising concerns in respect to the proposed development. The nature of the objections fall into various categories, these include:

Local Infrastructure

- There are already established concerns in relation to traffic problems in Martock, which will be compounded if the development goes ahead.
- The scheme, along with other houses planned for Martock, will put an unacceptable strain on local facilities, such as the school, doctor's surgery and dentist.

Flooding

- There are significant rain run-off problems in the Foldhill Lane area, which are becoming too great for the local drainage system. The development of the residential care home (La Fontana) is considered to be adding to these problems and any further development would exacerbate the problem by decreasing the soil surface that allows natural absorption and increasing the potential for surface water runoff
- The submitted flood risk assessment fails to include details of a pond on the southern boundary of the site. This pond may drain under the railway track and emerge as a spring, which now runs along a culvert along Bearley Road. It is assumed that the pond attenuates run off in this culvert, although it is not shown on the submitted plans. Historic maps also indicate that there is a drainage ditch and pond to the south east

corner of the site which have no connection to the west. It is suggested that not all the surface water from the site drains to the south west corner of the site. Further investigation is required to ensure that increased levels of water are not discharged into Foldhill Lane.

- Despite recent maintenance works to the Foldhill Lane drainage system, there are still concerns in respect to the ability of this system to cope, particularly during flash floods.

Highway Safety

- Additional usage of Foldhill Lane will be detrimental to highway safety, with extra vehicle using the junction with East Street or passing through Ash or Tintinhull.
- Increased traffic will increase danger to pedestrians crossing Foldhill Road from Foldhill Close to Moorlands Park to visit the local shops.
- Construction vehicles, including HGVs, will be a risk to the safety of pedestrians and other highway users.

Visual Impact

- The site is identified as having high landscape and visual sensitivity and low capacity to accommodate built development.

Residential Amenity

- Residents of Bearley Road have had 2 years of noise and disturbance due to the care home being built and then extended. Construction works on any new development would be further disturbance.
- The site is on an elevated position that will overlook houses and gardens to the south, in Bearley Road.

Other

- Wildlife, such as Roe Deer, Tawny Owls and Bats, have been observed emanating from the habitat on the south western side of the development land.
- The development site is prime agricultural/horticultural land and should not be developed for housing.

CONSIDERATIONS

The main issues for consideration are the principle of development, the effect on landscape character and visual appearance of the area, highway safety, drainage and flood risk, housing need, and neighbour amenity. A recent outline application (14/01330/OUT) was refused as it was considered that it would have an adverse impact on local landscape character, insufficient information had been provided to properly address the drainage of the site and also that there had been a failure to demonstrate within the course of the application that there would be no severe impact on highway safety.

Principle of Development

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. Therefore, 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. The previously refused application, 14/01330/OUT, was considered against the saved policies of the former South Somerset Local Plan (2006) and the aims and objectives of the National Planning Policy Framework. The newly adopted Local Plan was given some weight at the time. Following adoption of the Local Plan (2006-2028), policies SS1 (Settlement Strategy) and SS5 (Delivering New Housing

Growth) are particularly pertinent in considering this revised application.

The Local Plan identifies Martock as a Rural Centre and as such has been identified as a sustainable location for growth. A strategic housing target of 230 dwellings has been proposed over the plan period (2006-2028), of which 75 were complete at the time of Planning Policy comments being received, 39 dwellings had received planning consent and a further 165 had permission subject to legal agreements (total 270). The Parish Council have objected to the proposal for several reasons, including that there is an over-provision of housing proposed for Martock. With the local plan strategic housing target of 230 dwellings already having been exceeded without taking into account this proposal, as well as other pending applications. The Parish Council are of the view that no more than the target allocation for new houses as set out in the Local Plan should be built in the Parish. As such, it is felt that Martock has already fulfilled its contribution to the 5 year land supply and should not be asked to exceed this. In addressing this objection, it is noted that the housing figure of 230 dwellings is a target, not a maximum, and under Policy SS5, a permissive approach will be taken for housing proposals, in advance of a Site Allocations Development Plan Document. The developed edge of Martock follows the western edge of the dismantled railway line, and the proposal borders the eastern edge. The distance between the site and the edge of Martock is therefore well related and would certainly not be considered to be 'unsustainable' in principle, unless any significant objections are received from infrastructure providers or on grounds such as landscape character, one of the reasons the previous application was refused. This issue will be considered in more detail below. Notwithstanding these matters, the benefits of additional housing and the contribution to District-wide housing provision, mean that the proposal is considered to be consistent with the Development Plan and the National Planning Policy Framework 'presumption in favour of sustainable development'. It is not considered that an additional 35 dwellings is such an increase over and above the strategic housing target to be considered so harmful to be unacceptable or considered to comprise unsustainable development.

Overall, the scale of the proposal and its proximity to the village limits mean that the site is considered to be sustainably located in respect to access to key services, notwithstanding any other issues considered below.

Character and Appearance of the Area

The development proposes an indicative figure of up to 35 residential units. The site is relatively constrained by its size and shape, being triangular in form, with land rising northward from the alignment of the dismantled railway to the south, to a level around ten metres higher than existing housing off East Street. The site is therefore elevated above the general level of residential Martock, which is characterised by its vale base location. The alignment of the former railway line currently defines a clear edge to residential Martock, with the site being beyond this and at an elevation out of keeping with the local settlement character. The site is also identified as having some prominence in the locality, when viewed from rising ground to the south, in particular from the Parrett Trail, a regional walking trail, which is considered to be a sensitive visual receptor. In addition to the identified characteristics of the site, and its relationship with the existing built form of Martock, the Council's Landscape Architect has referred to the 'Martock Peripheral Landscape Study', which was undertaken during June 2008. The site is located within the scope of this study, which reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development. This looked at the character of the settlement's peripheral landscape and the visual profile and relationship of open land adjacent to the settlement edge. In this case, the site is identified as being within an area of high landscape sensitivity and therefore having low capacity to accommodate built development.

The previous application (14/01330/OUT) was refused on landscape character grounds, in that it was considered that development proposal would result in a visually intrusive development that would be at odds with the character of the locality and therefore detrimental to visual amenity and local landscape character. At the time, the applicant referred to a recently built residential care home (La Fontana), which is sited on the opposite side of Foldhill Lane to the application site and is also beyond the previously developed edge of Martock and beyond the alignment of the dismantled railway line. The Landscape Architect had given this consideration but viewed that development as having a much reduced impact than that likely to arise as a result of the proposed development scheme. It was noted that the care home was broadly non-residential in appearance, single storey where the land rises and also cut into the rising ground to achieve a low elevation. The revised outline application includes an illustrative plan, which shows the extent of development drawn back from the higher ground, in that house form is not sited above the 37m contour and housing at the north edge does not exceed 1.5 storey, thereby ensuring that the impact of any built form is consistent with the nearby care home. It is the view of the Council's Landscape Architect that these amendments will reduce the landscape impact of the development proposal, as its general elevation will not be so markedly at variance with that of the existing housing edge, and that the more compact arrangement of housing is also a better arrangement relative to adjacent built form. While some landscape concerns remain, as a result of breaching the strong residential boundary formed by the former rail line, the concern regarding the extent of development to the north is considered to be overcome by the revised indicative plans, and principles set out in the D&A statement. For this reason, there are no longer over-riding landscape grounds for objection and the previous reason for refusal satisfactorily addressed.

The Council's Tree Officer previously commented on the proposal and these have been brought forward again in considering this proposal. There is a mature Ash near the likely site entrance, however this is suffering die-back so is not seen as a constraint on development. There are several healthy Oaks and Field Maples, which can easily be retained. As such, there are no objections in respect to impact on trees subject to an appropriate tree and hedgerow management and protection scheme being secured.

Drainage and Flood Risk

The site is within Flood Risk Zone 1, however the Council's Drainage Engineers, the Parrett Drainage Board and the Parish Council have all indicated that there are existing flooding problems in the vicinity of the application site, which is caused by a combination of surface water runoff from the Foldhill Lane direction and inadequate drainage facilities in East Street.

A basic Flood Risk Assessment, which was initially submitted in support of the application advised that the site is at low risk of flooding and that surface water run-off will be dealt with through the use of SuDS (Sustainable Drainage Systems), with the use of permeable paving and geo-cellular storage the preferred strategy. It thereafter proposed to discharge to a surface water ditch in the western corner of the site at equivalent greenfield runoff rates, by way of a flow control device. It is argued that the information submitted is satisfactory for the purposes of outline planning permission and demonstrates that the scheme could feasibly accommodate enough storage to ensure that post-development runoff rates are no greater than existing. While this approach is accepted in principle and a detailed surface water drainage strategy could usually be conditioned, there were specific concerns in respect to this site and its capability to be able to deal with surface water disposal within site. Should the site be found not to be able to accommodate the proposed SuDS, any water will discharge beyond the site into an area under the jurisdiction of the Internal Drainage Board and where there is already an identified risk of flooding. To ensure that the risk of flooding is appropriately considered and the management of any surface water drainage system is properly maintained, the Internal Drainage Board are of the view that a robust and fully maintained surface water drainage

scheme should be submitted and that this should include details of the existing land drainage arrangements, information of future maintenance arrangements and agreement from downstream owners of private drainage systems. It is felt that this detailed strategy should be provided before any planning permission is granted. In the absence of this detail, a recommendation of refusal is made. The Council's Drainage Engineer has acknowledged these comments and has supported this approach. The Environment Agency have chosen not to object in principle subject to an appropriate drainage strategy being put in place, however they do refer to the NPPF requirement that the Local Planning Authority should be satisfied that the site can be delivered without increasing flood risk elsewhere.

Following the refusal of the previous planning application, and on-going concerns in relation to the proposed drainage scheme, extensive discussions have been carried out with the applicant's drainage consultant. The concerns in relation to the condition of the discharge point, the ability to discharge and in respect to future maintenance liabilities remained. The Council's Engineer also raised concerns in regard to the topography of the site and whether it mainly discharges to the proposed discharge point, as suggested, the resulting right to discharge to this point, the failure to take into account a pond to the south of the site and what contributions adjoining land may have on runoff, and also the likelihood of whether the proposed attenuation features would work satisfactorily. As a result of these concerns and discussions, more detailed information was supplied in support of the proposed drainage strategy. This included the carrying out of a topographical survey on site, provision of more detailed calculations in respect to attenuation, including indicative positions for these features. In respect to right to discharge, it is advised that this would enter into an existing drainage system under Highway Authority responsibility. It is advised that there is an existing right to discharge, which should be able to continue as runoff would be collected from the same area and controlled to a discharge rate of 6l/s, reduced from previously proposed 9.25l/s, which is below the existing calculated greenfield runoff rate. It is also indicated that the Highway Authority are aware of the proposal to discharge to this point and have raised no objections so far. Future maintenance is proposed via adoption, where possible, or via a private management agreement.

In considering the additional information, the Council's Engineer, has accepted the conceptual drainage strategy and raises no objection to the proposals. It is advised that there are still some issues that would need to be addressed at detailed design stage, such as the carrying out of infiltration testing to ascertain whether infiltration SuDS could be adopted in principle and the carrying out of further investigation in respect to the drainage of the area referred to as a pond, however the submitted indicative drainage strategy is considered to appropriately address the drainage issues on site and satisfactorily demonstrate that surface water runoff can be dealt with properly. Furthermore, as the strategy includes the full attenuation of the site, there is the possibility of an improved strategy being able to be implemented, subject to further investigation of infiltration techniques at detailed design stage. Overall, it is considered that sufficient information has now been provided to recommend approval of the scheme at outline stage, with a full drainage strategy to be approved at reserved matters stage.

Wessex Water have commented in respect to foul drainage and water supply to the site. There are some capacity issues with a foul sewage connection to the south of the site, however subject to detail, it could be possible to connect to an existing public system to the west. It is confirmed that this could be for foul water only and not surface water drainage, an issue that has been addressed above. Wessex Water have also commented on the requirements for connecting to the water supply network. While connection is feasible, further negotiations will be required with Wessex Water. These comments do not raise any objections but they will be referred to in an informative.

Highway Safety

A number of objections have been received in respect to the potential impact on highway safety in the area, particularly due to the relative narrow width of Foldhill Lane by the site and the potential increase in traffic movements within the locality.

It should be noted that the proposed access arrangements and layout of the site are not included within this outline application, being reserved for later consideration. Nonetheless, the County Highway Authority have considered the proposed development and its likely impact on highway safety, as well as reviewing the indicative layout. Firstly, it is confirmed that Foldhill Lane is a classified, un-numbered road subject to national speed limit in the vicinity of the proposed site entrance, changing to 30mph to the south of the site. In assessing highway safety, it is advised that there has previously been one recorded accident in the vicinity of the site, involving a motor vehicle and a cyclist, however this has been viewed as a one off accident and therefore not considered to be a recurring accident issue in the immediate vicinity. The proposed development is expected to generate in the region of 30 peak hour trips, which is considered not to generate a severe impact on the existing highway network. It is proposed to provide vehicular splays of 2.4m by 82m, which is in line with the requirement for the speed of a 40mph road. Despite the proposed access being within a road subject to the national speed limit, a speed survey has been undertaken at the request of the Highway Authority, and the findings of this indicate that the proposed visibility is suitable in this case. As such, the County Highway Authority have raised no objections on highway safety grounds.

The Highway Authority have also considered the indicative layout and are satisfied that there appears to be sufficient space to provide the appropriate road widths, turning heads and required levels of parking, etc. No further concerns are raised at this point, with full details to be considered at the technical stage.

Residential Amenity

The site lies within open countryside and is not related to any non-residential use that would be considered to have any adverse impact on future residents, in the event of planning permission being granted. Similarly, the proposed development is not considered to have any adverse impact on residents within the nearest residential development to the south. One contributor has referred to the possibility of overlooking as a result of the elevated ground, however the distance from properties to the south is in excess of 50 metres and is separated by the heavily planted former railway land.

Any impact on local residents as a result of this proposal is more likely to occur during the short term construction phase. In order to reduce any adverse impact, a condition will be imposed requiring a Construction and Environmental Management Plan (CEMP) to cover work hours, vehicle movements, parking, etc.

Public Rights of Way

A public right of way passes to the south and east of the site. The eastern footpath is actually within the application site and would appear to be obstructed by the proposed development as shown on the indicative site layout. The County Rights of Way Officer has commented on the proposal and while raising no objections in principle, has advised that the applicant will need to revise the layout or apply for a footpath diversion. Either way, it is noted that any grant of planning permission does not infer any right to obstruct the footpath. As this proposal is at outline stage, there is scope for this matter to be addressed and it does not present a reason for refusal.

Ecology

The Council's Ecologist has assessed the habitat surveys carried out on site and is content that no significant wildlife issues were identified. The Ecologist has also referred to a conversation with a member of the public, who was under the impression that there may be rare plant species within the site. Having visited the site and noted a lack of presence of any such plants and also noting that the site is currently in agricultural use and has been recently ploughed and tilled, no further issues have been identified. A condition has however been recommended requiring biodiversity enhancements, such as appropriate native species planting and provision of bird boxes.

Archaeology

The site is located close to the medieval town and in a landscape where Roman and Prehistoric remains are likely to be present. Despite this, the County Archaeologist is content that this matter can be addressed by a condition requiring the archaeological investigation of the site and the provision of a report on any discoveries.

Sustainable Energy

The Council's Climate Change Mitigation does not support the proposal as no reference has been made to the provision of renewable energy generation, which is requirement for Building Control purposes. Concerns have also been raised in relation to the indicative layout as the orientation of many of the properties limits the use of solar PV apparatus. While these concerns are acknowledged, there are no policy grounds to object on this basis. Furthermore, the application is only at outline stage so there is still an opportunity to address these issues at reserved matters.

Planning Obligations

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £172,324 (£4,924 per dwelling).

The County Education Department have identified a shortage of primary school and pre-school places locally, with the need for an additional 7 primary school places and 1 pre-school places resulting from the proposed development. At a cost of £12,257 per place, development contributions of £98,056 are sought.

It is proposed that the development will meet the District Council's requirement for 35% affordable housing, although no information has been provided at this stage in respect to the split of rents, mix of housing types or location of affordable units within the site. The Council's Strategic Housing Team have identified a requirement for 12 affordable units, with a split of 2/3 social rent (8 units) and 1/3 shared ownership or other intermediate solutions (4 units). Further discussions will be required before reserved matters stage to assess the property types required based on data from the Housing Register. The provision of appropriate levels of affordable housing will need to be factored into any S106 agreement.

Should consent be granted, a Section 106 agreement will be required to address these matters identified above.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning

(Environmental Impact Assessment) Regulations 2011. Accordingly, a screening decision was made by the Local Planning Authority, following submission of the previous application (14/01702/EIASS). The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment. It was determined that in this case an Environmental Impact Assessment was not required.

Conclusion

The site is located beyond the developed edge of Martock, and it is noted that the strategic housing target of 230 dwellings in the Local Plan period have already been exceeded. This figure is a target, not a maximum and the provision of an additional 35 dwellings is not considered sufficiently harmful to refuse permission. The issues of landscape character and drainage are now also considered to be adequately resolved and full consideration has been given to highway safety matters, with no cause for objection identified at this stage.

RECOMMENDATION

The application be approved subject to:-

- i. The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:
 - (a) The agreed contribution towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority).
 - £96,728 towards local facilities.
 - £41,995 towards strategic facilities.
 - £31,895 as a commuted sum towards local services.
 - £1,706 as the Community, Health and Leisure Service administration fee;
 - (b) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority);
 - (c) Contribution towards education of £98,056 to provide an additional 7 primary school places and 1 pre-school place;
 - (d) S106 Monitoring fee based on 20% of the outline application fee.

and;

- ii. conditions, as set out below:

01. Notwithstanding the local concerns, the provision of up to 35 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

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 and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

03. The site hereby approved for development shall be as shown on the submitted location plans '14022-1 Rev B' and '14022-2 Rev G', received 10th September 2014.

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

04. The residential component of development hereby approved shall comprise no more than 35 dwellings. Furthermore, there shall be no housing developed to the north of the 37m contour line and those houses that may be developed at the northern built edge shall not exceed 1.5 stories, as indicated on location plans '14022-1 Rev B' and '14022-2 Rev G', received 10th September 2014.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SS6, EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.

05. No work shall commence on the development site until a surface water scheme (including highways drainage), and land drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Parrett Internal Drainage Board. The surface water drainage scheme for the site, shall be based on the hydrological and hydrogeological context of the development and shall include details of gullies, connections, soakaways and means of attenuation on site. The scheme shall subsequently be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To prevent the increased risk of flooding, in the interests of highway safety, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with policies TA5, EQ1, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of chapters 4, 10 and 11 of the National Planning Policy Framework.

06. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The

approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with policies TA5, EQ1, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of chapters 4, 10 and 11 of the National Planning Policy Framework.

07. Before the development hereby permitted is commenced, foul water drainage detail to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure satisfactory drainage at the site and for the prevention of flood risk, in accordance with saved policy EU4 of the South Somerset Local Plan.

08. The proposed development shall be served by a new access constructed in accordance with drawings no. '14022-2 Rev G', to be submitted to the Highway Authority for review.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

10. The development hereby permitted shall not be commenced until parking spaces in accordance with Somerset County Council parking standards have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

11. The development hereby permitted shall not be commenced until a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning

Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

13. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 x 82 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

14. Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety, in accordance with policies TA4 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

15. A detailed landscape strategy, including a tree and hedge protection plan to BS5837, shall be submitted with the onsite landscape proposals, to be approved in writing by the Local Planning Authority. Such approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 10 of the National Planning Policy Framework.

16. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details before any part

of the development hereby permitted is first brought into use, unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with saved policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 11 of the National Planning Policy Framework.

17. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, involving geophysical survey, trial trenching and excavation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure the adequate opportunity is afforded for investigation of archaeological or other items of interest, in accordance with the provisions of chapter 12 of the National Planning Policy Framework.

18. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Guiding Principles for Land Contamination'.

Reason: In the interests of environmental health and to prevent pollution of the water environment, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 10 and the core planning principles of the National Planning Policy Framework.

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

Reason: To safeguard residential amenity and highway safety, in accordance with policies TA5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 and the core planning principles of the National Planning Policy Framework.

Informatives:

01. You are reminded of the comments of the Council's Climate Change Officer dated 19th September 2014, which is available on the council's web-site.
02. You are reminded of the contents of the Environment Agency's letter of 8th October 2014, which is available on the council's web-site.
03. You are reminded of the contents of the County Highway Authority's letter of 2nd December 2014, which is available on the council's web-site.

04. You are reminded of the comments of the Council's Engineer dated 10th March 2015, which is available on the council's web-site.
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Agenda Item 14

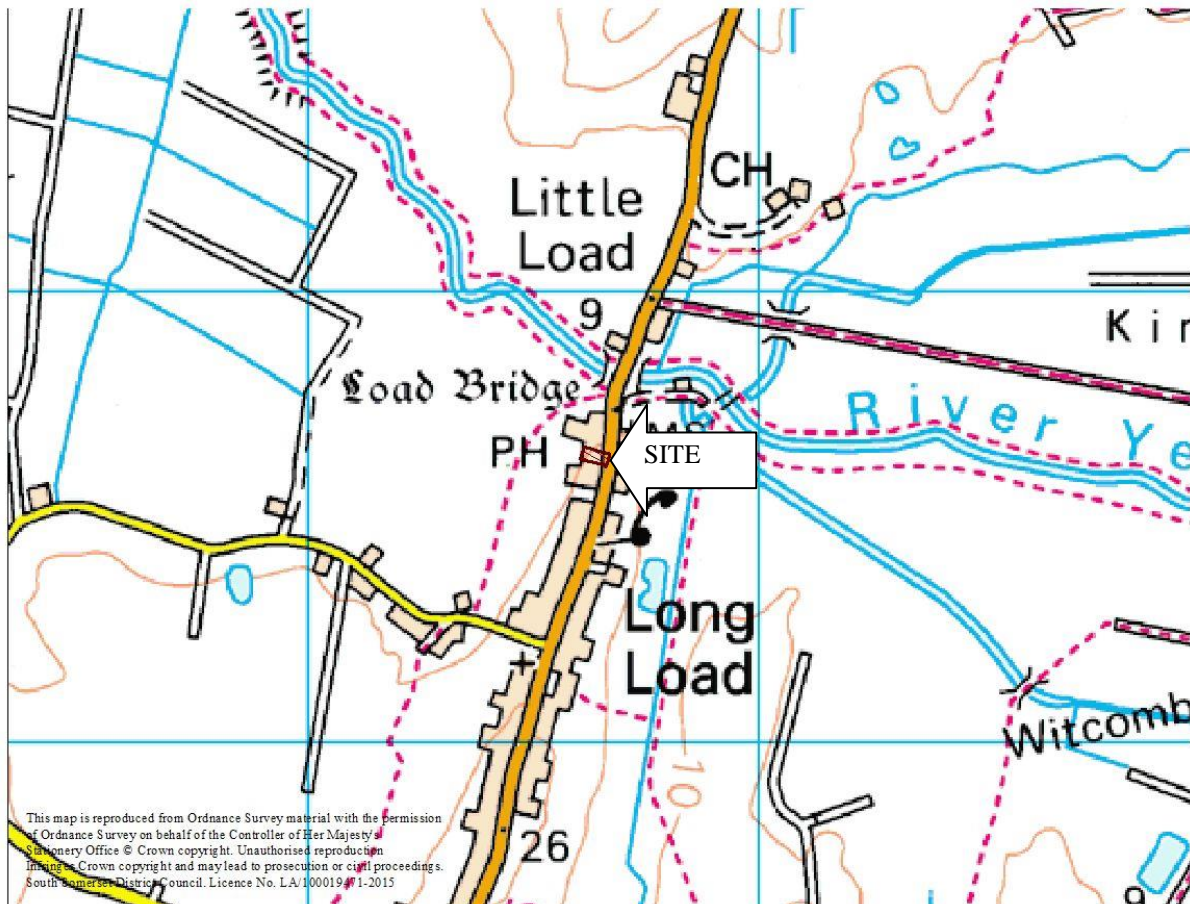
Officer Report On Planning Application: 14/04475/FUL

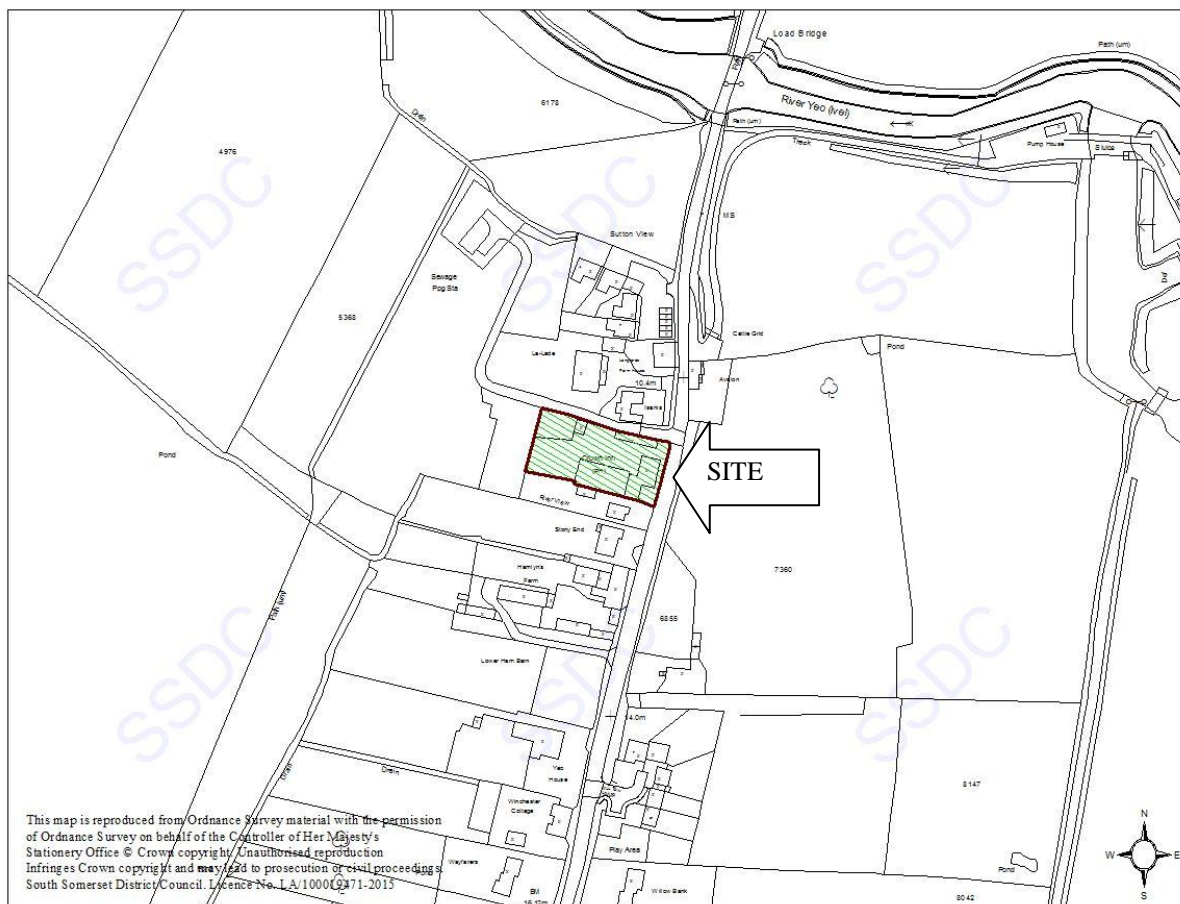
Proposal :	Change of use from public house to two dwellings (GR 346670/123622).
Site Address:	Crown Inn, Long Load, Langport.
Parish:	Long Load
MARTOCK Ward (SSDC Members)	Cllr G Middleton Cllr P Palmer
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	9th December 2014
Applicant :	Mr Oliver Buzza
Agent: (no agent if blank)	Mr Stuart Sinclair, Seymour Studios, Bratton Seymour, Wincanton BA9 8BY
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO AREA NORTH COMMITTEE:

This application is referred to committee at the request of the Ward Member Cllr Middleton with the agreement of the Chair to enable the local issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL





This application is seeking the change of use of a public house to two dwellings.

The Crown Inn is a detached public house that is not currently in use which is situated at the northern end of the village of Long Sutton. It is the only public house in the village. Access is to one side of the pub leading to a car park at the rear as well as a beer garden, there are two further parking spaces to the front on the south side which are perpendicular to the highway. A long thin outbuilding sits along much of the north boundary and a double garage set further back. There is a 1.8m high ship lack board fence along much of the south boundary. The property is bounded by residential properties to either side and a caravan park (La Lade) to the west and northwest. The site is within an area of high archaeological potential

RELEVANT HISTORY

Long and varied, most recent include:

- 07/04044/FUL: Erection of a single storey extension for domestic use. Permitted.
- 07/00351/FUL: Erection of a two-storey rear extension. Withdrawn.
- 97/02188/FUL: Erection of extension to pool room. Permitted.
- 90/01616/FUL: Demolition of skittle alley and erection of skittle alley / function room games room, kitchen and three bedrooms on first floor, conversion of bedroom to bathroom, alterations and extension to cellar. Refused.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

Policy SD1 - Sustainable Development

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy EQ2 - General Development

EQ3 - Historic Environment

EQ7 - Pollution Control

Policy EQ4 - Biodiversity

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Long Load Parish Council: Object. Do not wish to lose this facility and feel that 12 months is insufficient time to fully test the market for a commercial enterprise and decide it is not viable. They feel that an inflated price was paid for it based on the expectation of change of use and which has put it beyond the reach of anyone wishing to invest in it as a business. The viability study may be biased as it was commissioned by the purchaser. Building is proposed right on the boundary and would be unacceptable to the neighbour and make maintenance difficult. The parking space proposed at the front would be unacceptable as it is not big enough for turning.

County Highways: Referred to their standing advice

County Archaeology: No objections

Environmental Protection: Recommended a contamination condition.

Economic Development: No objection.

Whilst it is unfortunate that public houses are closing, I acknowledge that this particular Inn has had particular issues to contend with, which have made it unviable to continue operating as a public house. The number of residents in Long Load has remained static, with little new

development. There continues to be a decline in the number of people who frequent pubs. Often, it is the association of food with a pub which provides the catalyst for it to survive. Simply, the infrastructure at The Crown Inn with car parking, kitchen and pub layout were such that competing against other pubs in the reasonable vicinity became very difficult. This year particularly, the closure of the road due to flooding prevented any interested parties pursuing interest in the pub.

The Crown Inn has been marketed in accordance with the suggested marketing plan of this authority. It has been conducted by a professional commercial agent and the number of enquiries has remained low. Whilst I reluctantly accept the loss of another public house, on this occasion I conclude that the change of use to residential is acceptable.

Area Development: No objection.

It is always disappointing to see the loss of the last pub in any village. The Crown Inn was marketed for some time, prior to its sale, and we had no contact from the local community with a view to registering the premises as a community asset, under the Localism Act, or to discuss options for securing community ownership. (It is also possible that the business has insufficient viability for even a community owned venture). I understand that the applicant has provided information with respect to our commercial marketing guidelines, and there are no objections from Spatial Policy or ED.

In respect of your query about community re-use for the Crown Inn, I think if this was a serious option the community would have actively considered this before the current application. Long Load has a small village hall, which is limited in space but well used and highly valued. The closure of the church was of local concern and some tentative consideration given to whether there was a community re-use for this. This has not progressed and is (I understand) now in private ownership.

REPRESENTATIONS

Written representations have been received from four local residents objecting and raising the following concerns:

- Disappointed that a change of use was not applied for before and independent of this residential application.
- The pub has been badly run and no effort has been made to appeal to the correct market.
- The applicant has not made any effort to run it as a pub or any intention to do so. How can it be deemed to be unviable.
- The village should not lose its pub due to bad practice with the profit going to an individual and not the community.
- The pub manager pitched the pub at the wrong demographic, it was more like a working men's watering hole. Mid to up-market pubs prosper in the area. A pub needs good quality food.
- The pub was marketed at too high a price.
- The applicant has paid less than the property is worth as a residential house with further plot potential because it did not have those permissions, yet paid too much for a genuine publican to afford as the building needs investment if it is to attract customers again. Had he not done so presumably market forces would eventually have caused a sale at a figure that would have been viable for a publican to then invest around £100,000 in improvements. The District Council should not reward property developers

for taking this kind of gamble.

- This village has already lost its school, post office, shop and church. With the loss of the pub this will leave only the village hall.
- Planning goals are there to help preserve the spirit of our village.
- The viability report is biased as it was written by a company specialising in such matters and should be discounted. The report appears to be generic with reference made to the White Horse on page 7. The references to the flooding is irrelevant as the pub ceased trading before the flooding. In regard to the references to what villagers think, i.e. a close association with Long Sutton, it is unclear how this information was obtained other than a brief search of the internet. No survey has been taken to back up this speculation.
- There is no valid evidence to show that the pub is unviable.
- I take issue with the statement in the Viability Report (pg 23) which says that "none of the interested parties who made a successful offer had expressed a desire to maintain the previous use of the property as a pub". The report lists Ms Bloxham and Mr Cordell as two interested parties. Ms Bloxham who is known to me wanted to run a pub and restaurant but it was hard to raise the money needed as she felt that £100,000 would be needed for renovations. She has gone on to run the Old Inn at Holton which I think she has bought. Mr Litchfield and Mr Parfitt are or have been in the pub trade, it is reasonably likely that they would have considered running it as a pub.
- When I called Greenslade Taylor Hunt to enquire about the pub I was informed an offer had been made at the asking price and so I did not take my enquiry further. They showed no interest in taking my details at that stage. How many other interested parties had this same experience? There is no reference to my enquiries in their report. The report does not therefore seem to show the full picture of all interest expressed in the pub.
- If the pub is lost to the community the applicant should be required to make a significant financial contribution to other community assets. I have previously seen a developer who removed a pub make financial contributions towards community assets and towards education costs of the relevant authority.
- The immediate neighbours (Riverview) have no objection to the principle of the change of use stating that they have witnessed the steady decline in the pub's trade over recent years. They are concerned however that the plans show the south facing wall of the new single-storey dwelling coming on to our boundary / fence line and on to the edge of the concrete driveway. It would be better if it were built on the footprint of the existing extension and would allow pedestrian access around the south side of the new dwelling. Currently there is no external access to the rear garden.
- The block and roof plan shows vehicle access to the front parking area when coming from the south as turning across our forecourt and into the parking area.

CONSIDERATIONS

This application is seeking to carry out alterations and to convert a public house to two dwellings.

Principle:

This proposal will lead to the loss of the only pub in the village of Long Load and would leave just the village hall as the only remaining community facility within the village and as such is considered to represent a significant loss of a local facility. Para 70, Part 8 of the NPPF requires that planning policies and decisions "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its

day-to-day needs". This requirement is mirrored in the local plan under policy EP15 which seeks to prevent the loss of significant local shops and community services unless the applicant has made every reasonable attempt to secure suitable business or local community re-use.

Several local residents have objected to this proposal raising concerns at the manner in which the pub has been marketed, its price and suggested that the viability report lacks robustness and that this would result in the loss of one of the few remaining community facilities. It has also been noted that the applicant has bought the pub with the express intention of a residential reuse rather than to run it as a business. The Parish Council has also suggested that 12 months is insufficient time to test the market for a commercial enterprise and determine its viability.

A Viability Report and Business Appraisal accompanied the application and sets out the marketing strategy undertaken by the agents, Greenslade Taylor Hunt, and includes details with regard to the interest expressed in the property and any offers made and why they did not result in a successful sale.

The Economic Development (ED) Officer however has confirmed that the marketing undertaken complies with this authority's suggested marketing plan and raised no concerns with regard to the price at which it was advertised or the method of advertising. The ED Officer acknowledges that the pub has had particular issues to contend with, which have made it unviable to continue operating as a public house observing that the number of residents in Long Load has remained static with lack of new development and a continuing decline in the number of people who frequent pubs. He observes that the association of food with a pub often provides the catalyst for its survival, however the infrastructure at the Crown Inn requires considerable investment making it difficult to compete against other pubs in the area.

It is clear from the number of offers received that there has been interest in this property however for a variety of reasons these offers have not lead to a completed sale until the applicant's offer which was made in March 2014 by which time it had already been marketed for more than 12 months. The ED officer is satisfied that the asking price was reasonable and that it has been marketed in a robust manner for a reasonable period of time to satisfactorily test the market. Therefore whilst the application will result in the loss of a community facility it is accepted that the marketing campaign has been thorough and that every reasonable attempt has been made to secure suitable business reuse of these premises.

The Area Development Officer has raised no objection to this proposal and confirmed that they are unaware of any local interest in trying to acquire this building for a community re-use and that it has not be listed as a community asset .

On this basis the application is considered to have met the requirements of policy EP15.

It is noted that there is local concern that the applicant has purchased this property with only residential intention in mind. This however does not detract from the marketing campaign carried out by the previous owner which is considered to be robust. The Parish Council's concern in regard to the duration of the marketing is also noted however 12 months is considered to be reasonable period of time to have tested the market demand for these business premises and is a period of time recommended by the Economic Development team. Therefore, whilst it is always disappointing to accept the loss of a village pub, in this instance it would be unreasonable to object to its change of use based on the submitted marketing information and the views of the Economic Development Officer and Area Development Officer.

Residential amenity:

The proposal includes alterations to the single-storey element to the south side of the pub which is to form part of the smaller two-storey dwelling. These alterations include the enlargement of this wing including expanding it along the boundary with the adjacent neighbour and raising its height by installing a gabled roof. The neighbouring dwelling immediately to the south does have a couple of windows at ground floor level within their north elevation facing towards the site. One of these windows is quite small and does not appear to serve as the main source of light or outlook for any principle accommodation. The other window is larger and is likely to be a more important to the occupant's amenities. The nature of the extension works are likely to impact upon on this neighbour in particularly the smaller more subservient window however the second larger window positioned further to the rear of the neighbour's house should be little affected and it is not considered that this proposal will result in any substantial loss of light or other amenity concern to this neighbour.

The proposed layout will ensure that both dwellings are served by an acceptable level of outside amenity space without resulting in any poor relationship issues. The application therefore poses no significant residential amenity concerns.

Visual amenity:

The proposed alterations changing the mono-pitched roof over the single storey element should be an enhancement to that existing. In all other respects the scale and nature of any alterations are relatively low key and raise no significant visual amenity concerns.

Highway safety:

Whilst concerns have been raised with regard to the proposed parking arrangements to the front, this is just making use of what is already there and which would have been in use by patrons of the pub when it was still in use. These spaces are to serve the smaller, two-bedroom unit, and although there is no space for on-site turning do meet the highway authority's size requirements. The proposed change of use is unlikely to lead to any substantial increase in vehicle movements using these spaces over and above that which could potentially be generated under its lawful use as a pub and as such it would not be reasonable to object to this proposal on this basis. The next door neighbour has also expressed concern that the plans indicate the path of vehicles approaching from the south and turning into these front parking spaces as crossing their forecourt. Although this is the case the parking area is to remain unchanged and as such there is no reason why there will be any change in driver behaviour to that existing or that it should result in any new encroachment to the neighbour's property.

Conclusion:

For the reasons set out above, it is accepted that the reasonable attempts have been made to secure a business re-use of this site and that there is a lack of demand for a community use. In all other respects the proposed change of use of these premises to two dwellings raises no substantive residential amenity, visual amenity or highway safety concerns, as such the application is recommended for approval.

RECOMMENDATION

Grant permission for the following reasons:

Based on the submitted information, it is accepted that there is a lack of demand for these

premises either for commercial or community purposes and that, by reason of its location, nature and design, that the development is an appropriate form of development that raises no substantive highway safety, residential or visual amenity concerns and therefore accords with the aims and objectives of policies SD1, EP15, TA5, TA6, EQ2, EQ4 and EQ7 of the South Somerset Local Plan (2006-2028) as well as the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered TC1438/1, TC1438/2 and TC1438/3 submitted 06/10/2014.

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

03. In the event that contamination is found or is suspected to be present at the site when carrying out the approved development then development shall be halted (unless otherwise agreed in writing with the Local Planning Authority) and it must be reported in writing to the Local planning authority. An investigation and risk assessment must be undertaken, in accordance with the requirements of BS10175 Year 2011 - Investigation Of Potentially Contaminated Sites Code of Practice, BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures For The Management Of Land Contamination, issued by The Environment Agency, and any remedial proposals submitted and agreed in writing prior to the recommencement of the development.

Reason: In order to safeguard against the risk of contamination to accord with policy EQ7 of the South Somerset Local Plan 2006-2028.

04. The development hereby permitted shall not be commenced unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan 2006-2028.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, or other openings (including doors) shall be formed in south elevation of the single-storey dwelling hereby permitted without the prior express grant of planning permission.

Reason: To safeguard residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

Agenda Item 15

Officer Report On Planning Application: 14/03171/DPO

Proposal :	Application to Modify a Section 106 Agreement dated 20 May 2014 relating to housing development (GR: 345972/118927)
Site Address:	Ex Showroom/Garage & Land Rear Of Long Orchard, Water Street, Martock.
Parish:	Martock
MARTOCK Ward (SSDC MemberS)	Cllr Graham Middleton Cllr Patrick Palmer
Recommending Case Officer:	Nick Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	29th August 2014
Applicant :	Westco Properties Ltd
Agent: (no agent if blank)	Clarke Willmott LLP, Blackbrook Gate, Blackbrook Park Avenue, Taunton TA1 2PG
Application Type :	Non PS1 and PS2 return applications

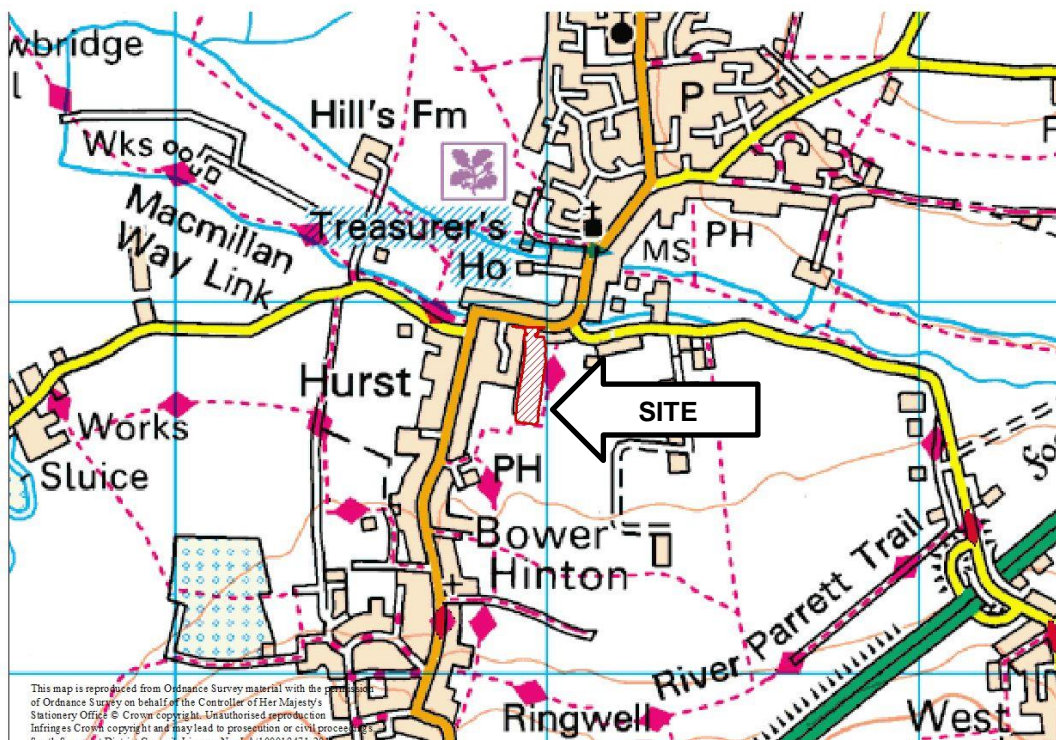
UPDATE

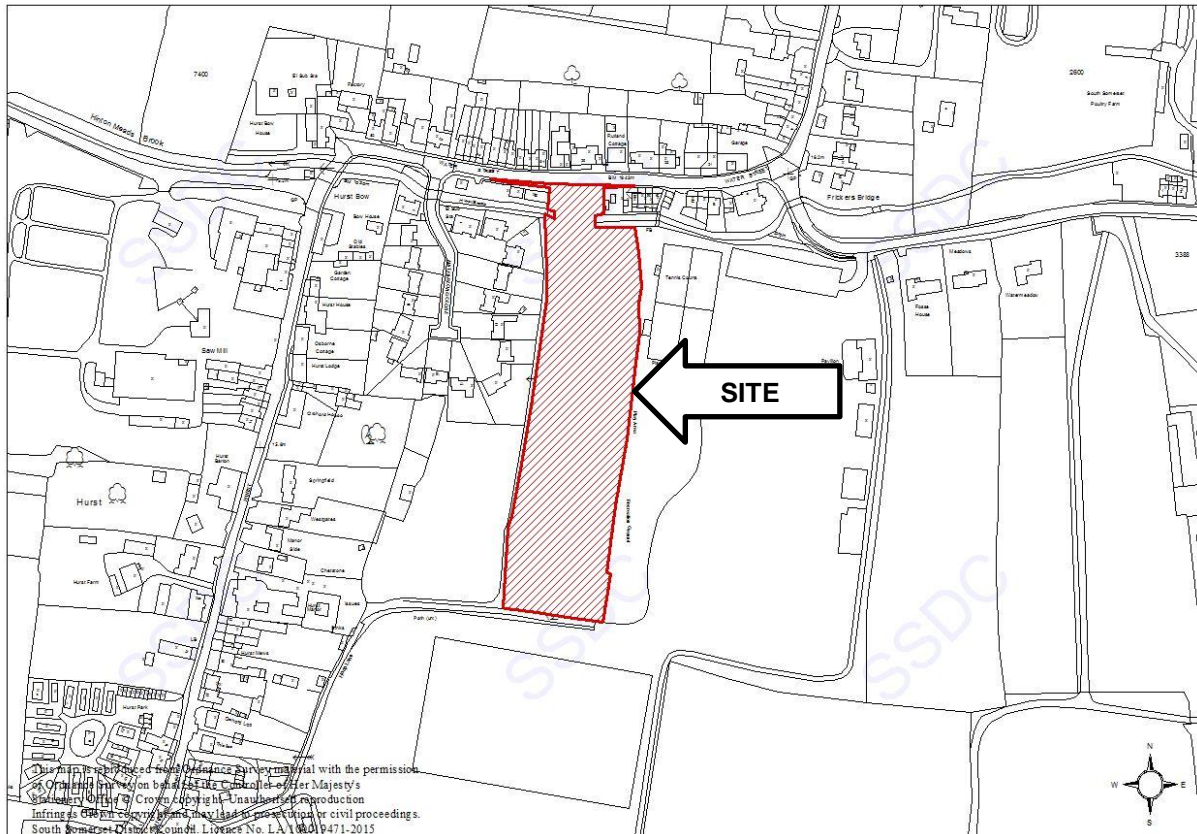
This application was considered by Area North Committee at the February meeting when it was resolved to defer to allow the District Valuer's report to be circulated to members. This has been done. At the time of writing no request had been received for additional information or clarification. Accordingly the previous report is re-presented to committee for consideration.

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as it relates to a proposal to reduce planning obligations that were originally agreed by the Committee .

SITE DESCRIPTION AND PROPOSAL





This proposal relates to a site where permission has been granted for the erection of 35 dwellings and a youth centre/pavilion with associated parking and site access arrangements, subject to a S106 agreement to deliver appropriate planning obligations. The site was a flat area of agricultural land and a former car show room separated by a stream. Most of the land was formerly used as a poultry farm. The construction of the houses has now started, although at the time of writing no conditions had been discharged.

It is proposed to vary the terms of the s106 agreement to:-

- Reduce the affordable housing from 12 to 10 units
- To vary the tenure of the affordable units from 67% rented / 33% intermediate to a 60/40 split.
- The insertion of a Mortgage in possession (MIP) clause at the request of Yarlinton

The developer justifies these amendments on the basis of commercial viability and has provided a detailed breakdown of the scheme's finances. This has been considered by the District Valuer.

RELEVANT HISTORY

12/04897/OUT permission granted (21/05/14) for a mixed use development comprising 35 dwellings and site access arrangements (full details) and a youth centre and pavilion with associated parking (outline details, access, layout and scale). This permission as subject to a section 106 agreement that:-

- Secured a contribution towards off-site open space provision in lieu of on site POS,

- Secured a contribution towards strategic and local outdoor playing space, sport and recreation facilities (£4,746.82 per dwelling).
- Ensured that 12 affordable homes in perpetuity.
- Ensured that the land necessary to enable the development of the pavilion and the proposed car park is ceded to the parish council, and a pedestrian and vehicular access to the site from Water Street is fully constructed prior to the occupation of any of the approved dwellings.
- That a travel plan is agreed with Somerset County Council.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

The policies of most relevance to the proposal are

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

HG3 – Provision of Affordable Housing

SS6 – Infrastructure Delivery

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

CONSULTATIONS

Martock Parish Council – no objection, but note that whilst there is a need for a 4 bed dwelling, only one 2 bed unit should be removed to make way for it.

SSDC Housing Officer – originally raised concern about the reduction in affordable housing and changes to tenure, however these concerns were subject to the viability of the proposal being investigated. Subsequently it has been confirmed that no objection is raised.

District Valuer – confirms that the scheme would not be financially viable if it is to provide the agreed S106 sums. It is suggested that a timescale for delivery is agreed, which, if not met, triggers a further viability review.

REPRESENTATIONS

One letter has been received objecting to the youth/community centre and raising concerns about traffic and flooding

CONSIDERATIONS

The sole issue is whether or not it would be reasonable to insist on maintaining the previously agreed level of planning obligations in light of the case the applicant now makes and the advice

offered by the
District Valuer (DV).

Whilst the original agreement covered a range of obligations the applicant has sought to vary only the affordable housing component. Neither the proposed reduction from 12 to 10 units or the changes to the tenure mix would unacceptably undermine the provision of affordable housing in Martock. These changes are considered to be financially justified. Although the leisure contributions could be varied, the applicant has not sought to do so, and it is noted that the introduction of a needed 4 bed unit is welcomed by the Parish Council. The loss of 2 two-bedroom units is not considered objectionable in principle given the advice of the DV and the addition of a MIP at the request of the affordable housing provider clause does not give rise to any planning concerns.

DV's suggested further viability review is noted, however given that construction has already commenced it is considered unlikely that this development of 35 houses would take so long that it would be necessary to add such a trigger point.

Other Matters

Whilst a local resident remains concerned about the impacts of the development, planning permission has been granted for the scheme and it is not considered that the proposed variation of the planning obligation would in any way change the impacts of the proposal.

Conclusion

It is regrettable that the original, policy compliant planning obligations cannot now be delivered without adversely affecting the commercial viability of the scheme. Government advice and emerging policy HG3 are clear that it is unreasonable to resist a reduction in affordable housing provision where that has been justified by an open book submission in accordance with policy SS6.

RECOMMENDATION

That the Section 106 agreement be amended as requested.

Justification:

The revisions to the affordable housing provision, for which a financial justification has been made, would not unacceptably undermine the benefits to the community of this development. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

Agenda Item 16

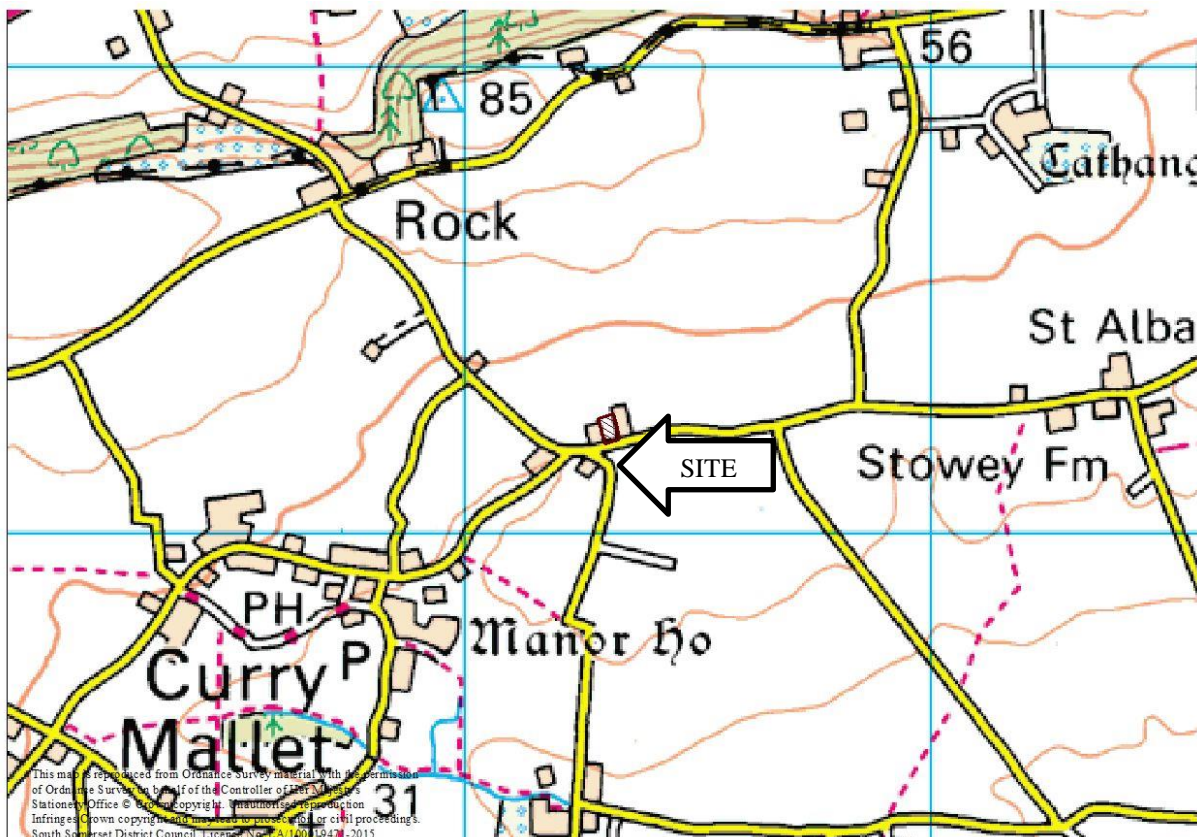
Officer Report On Planning Application: 15/00074/FUL

Proposal :	Proposed erection of dwelling and garage (GR 333312/122217)
Site Address:	Land Between Wheelwrights Cottage And Iberry, Marshway, Curry Mallet.
Parish:	Curry Mallet
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	6th March 2015
Applicant :	Mr & Mrs Orme
Agent: (no agent if blank)	Michael Williams, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chairman to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The site is located to the north side of Marshway, on the outskirts of Curry Mallet, within open countryside. It is agricultural land, which represents an infill plot between adjoining properties Wheelwrights Cottage and Iberry Orchard. It is located within a small group of five isolated dwellings at the junction of Marshway, Helliars Lane and Rock Road, of which one, March Cottage, is a grade II listed building. This small group of buildings is located to the north east of the village core of Curry Mallet and is separated from the built edge of the village by open countryside.

The application is made to for the erection of a detached house and garage and associated change of use of land to residential purposes.

HISTORY

No recent relevant history

POLICY

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

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
TA5 - Transport Impact of New Development
EQ2 - General Development

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment
Design
Natural Environment
Rural Housing

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: The Parish Council support the application and have no observations to make on the plans.

SCC Highway Authority: Standing Advice applies.

County Right of Way: No objection.

SSDC Landscape Architect: The scale of the residential proposal is noted. An infill plot between two existing properties, I note that the site is comparably sized as those residential plots to either side, and defined and contained by existing hedgerows. I also note that it would form part of an existing cluster of cottages laying to the east of the main concentration of Curry Mallet, as such the proposal is not uncharacteristic. Consequently I have no substantive landscape issues to raise, providing;

- (i) The roadside hedging is faced-up to achieve sufficient visibility for access, such that removal is not required, and;
- (ii) Detail of the proposed planting is submitted - I agree the intent to plant a copse-type planting to the west of the house, but consistent with the SSDC species guide, would suggest that trees are drawn from species such as field maple; crab apple; wild cherry; and/or wild service tree. If shrubs are intended, hazel, dogwood, hawthorn and the native viburnums are appropriate in this locality, though as far as planning interests are concerned, these are optional.

REPRESENTATIONS

Four letters of support have been received from neighbouring residents. It is further confirmed that they support the principle of the property being provided initially for a former resident of the village. The occupiers of the adjoining property, Iberry Orchard have noted the position of some of the proposed openings and confirmed that they have no objection.

CONSIDERATIONS

Principle of Development

The application site is agricultural land between two existing properties within a small group of dwellings located to the north east of the village core of Curry Mallet, well beyond the developed edge of the settlement. Curry Mallet is a rural settlement that does contain several key services, such as a public house post office, shop and village hall, at its historic centre. In addition there is a school and church, however these are more divorced from the village core, both being located to the south east at distances of approximately 1000m and 600m respectively. These services are located away from the main built centre of the village and separated by open countryside. Due to the layout of Curry Mallet, which is sparsely developed but spread out over a large area, it is considered that this is a Rural Settlement that could be considered as a sustainable location, however careful consideration should be given to the siting of any new development.

In policy context, national guidance contained within the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances." Paragraph 49 of the NPPF also states housing applications should be considered in the context of the presumption in favour of sustainable development, as does policy SD1 of the South Somerset Local Plan (2006-2028).

Local Plan policy SS2 states that *development in rural settlements (not market towns and rural centres) will be strictly controlled and limited to that which:*

- *Provides employment opportunities appropriate to the scale of the settlement; and/or*
- *Creates or enhances community facilities and services to serve the settlement; and/or*
- *Meets identified housing need, particularly for affordable housing.*

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of the settlement in general. Proposals should be consistent with any relevant community led plans and should generally have the support of the local community following robust engagement and consultation. It should also be noted that where the proposal is for housing development, this should only be permitted in Rural Settlements that have access to key services (as listed under paragraph 5.41 of the Local Plan).

While the proposed development may not strictly be considered strictly to be an isolated new dwelling as it comprises an infill plot within a small group of existing houses, it is still subject to the same degree of protection as the open countryside, as it is not adjacent to the built edge of the settlement centre, being separated by several fields. The site is approximately 600m to the east of the public house, post office and village hall and just over 850m to the north of the school. The applicant has argued that these distances are acceptable in terms of relationship to the main nucleus of the village around the key services, and as such this should be considered to be a sustainable location, where limited new housing can be accepted. It is also

argued that the distance between the services and many of the existing residents of the village means that the future occupiers of the dwelling would be no further way from the services than existing residents. It is advised that the property is intended to be initially occupied by the applicant's son and daughter-in-law, allowing the son to return to the village of his birth. It is further suggested that the property will then be potentially available for the local community at large in the future. While the distance from the village centre is potentially such that it may be reasonable to expect residents to not be solely reliant on motor vehicles for all their needs, the particular circumstances of this site do not make it particularly conducive for easily accessing the key local services in a sustainable way. The separation of the site from the village core, and the school, is compounded by the fact that the local road network comprises narrow, winding country lanes with no street lighting or pedestrian footpath, factors which reinforce the likely reliance on use of the motor vehicle. For this reason, the proposed development of the site is not considered to meet the aims of sustainable development identified within the NPPF and the South Somerset Local Plan.

The applicant has offered some form of justification in respect to providing a home for their son and his family to be able to return to the village, while also providing a home that would potentially be available to other local people in the future. While this is noted, even if it were considered that the site is suitably located in connection with the local key services, this justification does not meet the requirements of policy SS2, as stated above, as this does not meet the needs of an a formally identified housing need or represent the type of "essential need" required to comply with paragraph 55 of the NPPF.

Scale and Appearance

Notwithstanding the overriding policy objection to the proposed development, the scheme is considered to be generally acceptable in respect to its design and appearance. The plot is of similar size to those either side it so is considered to be able to comfortably accommodate a dwelling. The proposed dwelling is detached three bedroom and of similar scale to the neighbouring properties. The proposed materials of the main house, being painted render and tiled roof, are considered to be acceptable and relate to the appearance of the neighbouring dwellings also.

The Council's Landscape Architect has raised no objections in principle, however has suggested that the roadside hedge be faced up rather than removed, to provide appropriate visibility of the proposed access, and also that a detailed planting scheme be approved by condition. Overall, it is not considered that the proposal would have an adverse impact on local landscaper character or the general appearance of the area.

Consideration has also been given to the impact the proposal would have on the setting of a grade II listed building, March Cottage, which is located about 120m to the west. Due to the distance between the sites and the proposed dwellings position within the existing built group, it is not considered that there would be any adverse impact on the setting of this listed building.

Residential Amenity

The proposed dwelling is located towards the east side of the site and set away from the adjoining properties so there will be no overshadowing or general overbearing impact. The property is also designed to limit overlooking to the sides, with limited openings in these elevations. There is one first floor side window looking to the west, however as a result of the distance, lack of openings in the east elevation of the neighbouring property and also level of screening on the boundary, there will be no harmful overlooking opportunities created. The proposed dwelling is nearer to the house to the east, Iberry Orchard, however the only openings are a ground floor window and small roof light serving an ensuite bathroom. Again

overlooking opportunities are limited and existing screening is to be retained, which will prevent overlooking.

Overall, the development is proposed to be acceptable and have no detrimental impact on the amenities of neighbouring residents.

Highway Safety

In considering the highway safety issues, the County Council Highway Authority have referred to their Standing Advice. The necessary requirements can be achieved, with a properly consolidated surface being proposed over the first 5m, adequate levels of parking and turning space available within the site and required levels of visibility being provided on land within either the applicants, or the Highway Authority's control. Details to ensure that surface water is adequately controlled to avoid discharge onto the highway, can be addressed by condition, where appropriate. As such, the proposal is not considered to have any detrimental impact on highway safety and accords with the County Standing Advice.

Conclusion

The site is poorly related to key local services, by virtue of a combination of distance and access to these services being via unlit, narrow country roads with no pedestrian footpaths. Furthermore, the scheme fails to meet an identified housing need or other essential need. The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

RECOMMENDATION

Refuse permission

FOR THE FOLLOWING REASON:

01. The proposal would represent a new dwelling in open countryside that would be poorly related to the village core of the rural settlement of Curry Mallet, and for which an overriding essential need has not been justified. The application site is remote from key local services, by virtue of distance, access to these services being via unlit, narrow country roads with no pedestrian footpaths, and siting beyond the developed edge of the rural settlement. As the proposal will lead to an increase the need for journeys to be made by private vehicles. The proposed development is therefore considered to be unsustainable development that is contrary policies SD1, SS1 and SS2 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework.

Agenda Item 17

Officer Report On Planning Application: 14/04158/OUT

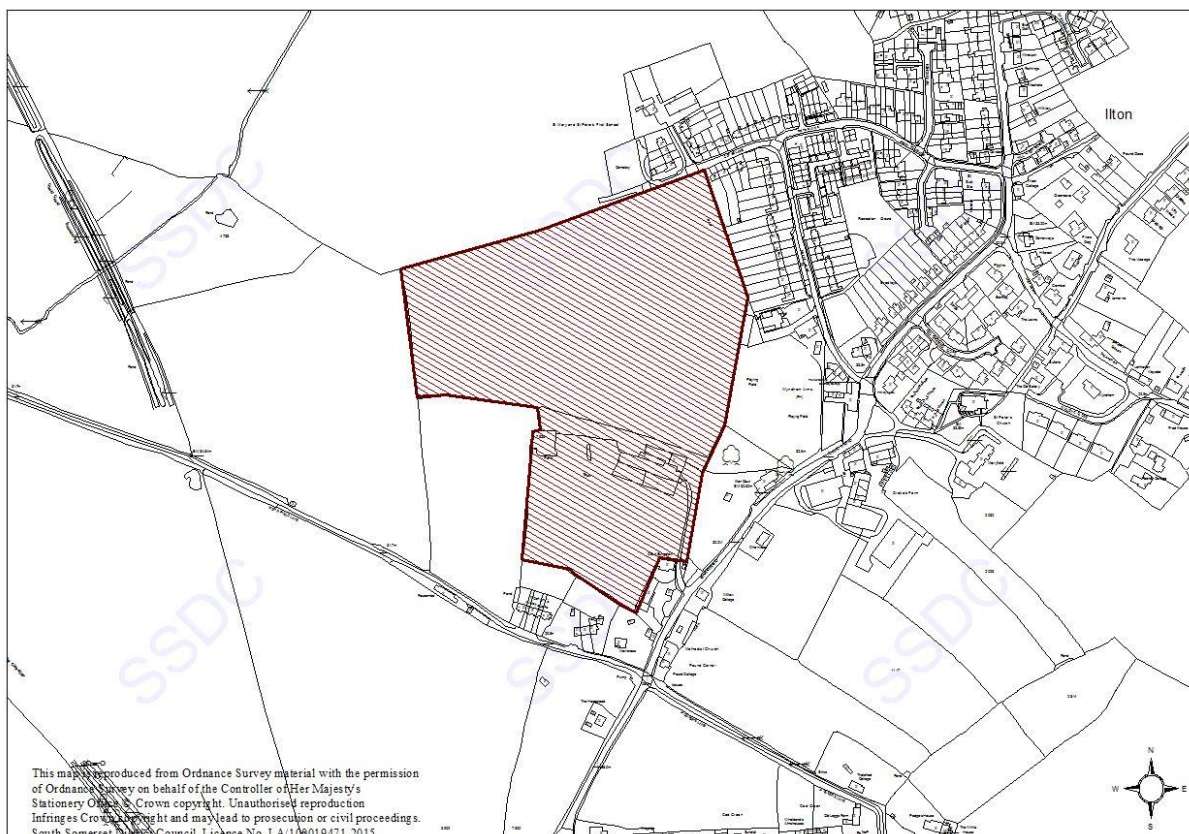
Proposal :	Demolition of existing agricultural buildings, change of use from agricultural to residential and recreational, the erection of 47 dwellings, improved access and the provision of community sports facilities and additional parking (Outline application) (GR: 334884/117274)
Site Address:	Land At Court Farm, Ilton, Ilminster.
Parish:	Ilton
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	Dave Norris Tel: 01935 462382 Email: david.norris@southsomerset.gov.uk
Target date :	5th January 2015
Applicant :	A H Warren Trust Ltd
Agent: (no agent if blank)	Paul Rowe, Caparo, 11 Mervyn Ball Close, Chard TA20 1EJ
Application Type :	Major Dwlgls 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This is a major application outside of the previous development boundaries that seeks to provide community benefits in accordance with policy SS2 of the South Somerset Local Plan. It is considered necessary for elected members to balance the benefits against the impact of the development.

SITE DESCRIPTION AND PROPOSAL





The application site is located on the western edge of Ilton adjoining the existing Cope Lane development and the cemetery and cricket ground. The site extends to over 8 hectares and is relatively flat and currently used for agriculture purposes. There are a range of redundant agricultural buildings in southern portion of the site next to an existing children's nursery and private dwellings.

The land is in the ownership of the Warren Trust, one of the largest independent organic milk producers in the country. The Trust has a very extensive land ownership in the area and over the years has become involved in more community based projects. The Trust has had a long relationship with Ilton and approached the parish council and district council several years ago in relation to the possibility of working together to produce a scheme that provided the community with certain benefits whilst providing them with a sufficient return on their land. Lengthy discussion have taken place over some time and these have resulted in this application

This is an outline application that seeks to obtain planning permission for up to 47 residential units together with improvements to access onto Church road, the change of use of agricultural field to a recreation ground together with a car park off Cope Lane to serve the cemetery and school.

As part of the discussion with the community the applicants have confirmed that they are agreeable to:

- transferring the proposed recreation land to a public body (parish or district)
- provide the car parking area
- carry out improvements to the access to the village hall and cricket club (will also serve recreation area)
- securing 15 of the units for reduced cost housing

- make a financial contribution towards the physical creation of the recreation ground/facilities (pitches, changing rooms)
- make the required contribution to Strategic Sports and Leisure Facilities

An illustrative layout plan was submitted with the application but this does not form part of the consideration. A detailed drawing of the access was submitted and this is being considered as part of the outline application. Other reports have also been submitted, including: Design and Access Statement, Transport Assessment, Archaeological Assessment, Statement of Community Involvement, Flood Risk Assessment and Ecological Appraisal.

HISTORY

No relevant planning history

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.

SD 1 - Sustainable Development
 SS1 - Settlement Strategy
 SS2 - Development in Rural Settlements
 SS6 - Delivering Infrastructure
 TA5 - Transport Impacts of New Development
 TA6 - Parking Standards
 EQ1 - Assessing Climate Change
 EQ2 - General Development
 EQ3 - Historic Environment
 EQ4 - Biodiversity
 EP15 - Provision of community facilities
 HW1 - Provision of Open Space, Sports, Community Facilities
 HG3 - Provision of Affordable Housing
 HG5 - Achieving a Mix of Market Housing
 Noise Exposure Zone B - Merryfield
 TA4 - Travel Plans

National Planning Policy Framework

Chapter 6 - Delivering a choice of High Quality Homes
 Chapter 7 - Requiring Good Design
 Chapter 8 - Promoting Healthy Communities
 Chapter 10 - Flooding and Climate Change
 Chapter 11 - Conserving Natural Environment
 Chapter 12 - Conserving Historic Environment

CONSULTATIONS

Ilton Parish Council - In favour of the proposal

County Council Highway Authority - No objection subject to conditions.

County Council Rights of Way - A footpath does currently run-through the site and it will be necessary for the developer to agree a diversion. There should be no encroachment on the existing footpath during construction.

Council's Landscape Officer - This is a large edge of village application that is justified on the basis that it is achieving benefits for the community. The indicative layout should be discounted and detailed discussions will need to take place prior to the submission of the reserved matters application in relation to the layout of the development, densities, landscaping etc.

Environment Agency - No objection subject to conditions

Somerset Drainage Boards Consortium - No objection subject to conditions

Wessex Water - No objection subject to conditions

SSDC Environmental Protection Unit - Dwellings should incorporate noise insulation within construction.

SSDC Housing Development Officer - Policy requires that 35% of the units be affordable housing with the majority of these being available for social rent

Crime Prevention Design Officer - At detailed design stage particular attention needs to be given to alleyways and accesses to ensure adequate surveillance. Also need to consider any units that directly back on to the playing field.

Council's Ecologist - Satisfied that ecology has been adequately considered however further survey of Great Crested Newts will need to be carried out prior to formal determination of application.

Somerset Wildlife Trust - Request that formal survey be carried out.

Ministry of Defence - Defence Infrastructure - No objection

South West Heritage (Archaeology) - Awaiting comments

County Education - No formal comments received however it is understood that at the pre-application stage the County Officer confirmed that there was adequate capacity within Ilton school and that they would not be seeking any other contributions.

Community Health and Leisure - Have requested contributions based upon the standard formula. Are very aware of the current issues with the lack of play provision within the village and support the offer to provide land and financial contributions. Clarification will be required in relation to various details and are happy for negotiations to take place prior to the formal decision being made.

Area Development (North) - My team strongly support the community benefits identified from this development, and can confirm our understanding of strong / broad community support. This project is community driven and residents have been involved from the outset. It is a top

priority within the Area North (Community) Development Plan for the Islemoor ward.

As you have probably guessed by now, we support this application. My only caveat is to ensure that the potentially complex relationship between the application and its obligations are clearly set out and agreed in writing to the joint satisfaction of the LPA, parish council, and developer.

The development will address the currently unmet recreational needs of this large village as well as providing some additional affordable housing for local people. There is a good working relationship between the developer and the community which both sides are keen to develop as the project progresses.

Whilst there is now good provision for younger children, there is little in the way of recreational facilities for older children and adults. A recent attempt to revive football within the village was thwarted when the temporary pitch was found to be unusable and therefore the participants had to relocate to Ilminster. The new play equipment recently installed for young children has been well received, with comments on facebook referring to the need to provide something for the older members of the village by way of good recreational facilities.

I am aware the affordable housing proposed is of a different model to the usual. According to the 2011 census, 14.1% of Ilton's housing is social rented, compared with 8.7% in Long Sutton, 3.9% in Keinton Mandeville and 7% in High Ham (villages of a similar size). Given the level of local support, this development appears to compliment what is available, and is part of the innovative approach taken by the Warren Trust to make a lasting investment in this community.

Community involvement and support - The parish council is fully supportive of the planning application, arguing for the need for a good recreational facility for this large village. The proposal has been on the PC agenda for the last couple of years as an on-going agenda item and the community has been encouraged to take part in discussions through this means as well as others. Before that, we have worked with Ilton Parish Council and others, to consider the options to provide improved local facilities, particularly in the light of the impact of the past Copse Lane development upon the capacity of the recreation ground.

Evidence of community support can be found amongst comments on the active Ilton Rec facebook page as well as those received during the public consultation run in conjunction with SSDC's Senior Play & Youth Facilities Officer in August 2014.

The cricket club and village hall are immediate neighbours of the proposed site and have been actively involved in discussions through the local steering group. Both groups are fully supportive of the project and have expressed their determination to work together to achieve the best possible outcome for the village.

REPRESENTATIONS

Letters were sent to neighbouring properties and the application was advertised.

5 letters of support were received making the following comments:

- additional development and facilities will make the village more sustainable
- the scheme needs to be developed asap
- the existing park is no longer suitable for for older children
- I organise the village football and we need the pitch badly
- scheme will help the local school
- additional housing may help to sustain a shop
- support the development on the basis that we do not need any additional affordable

housing

- increase new blood into the village
- new facilities will unite the community
- benefits outweigh disadvantages

6 letters of objection have been received making the following points:

- impact upon outlook
- noise and light pollution
- increased volume of traffic on dangerous road that already has traffic calming and next to a children's nursery
- the access road is too narrow as is the public highway
- Transport Assessment is misleading
- access should be via Copse Lane
- no need for new housing as the shop post office has gone and pub is struggling. Furthermore, kids go and play their football in Ilminster and there is no need for a pitch in Ilton. What about the old people?
- water pressure is already poor
- concern about impact upon archaeology
- concern upon flooding and drainage and road and house have been flooded
- concern about ecological impact
- impact of helicopter noise upon residents
- community input was limited due to lack of publicity
- questioning the jobs in the area
- does not comply with SS2 as there has not been meaningful community engagement
- adjoining dwellings should be protected with a Buffer Zone
- loss of valuable farmland
- several residents have already put their houses up for sale because of this proposal
- lack of public transport

One letter was also received from the adjoining cricket club making the following points:

- need to reach agreement on improvements to access
- have not yet agreed detail on re-siting nets

CONSIDERATIONS

Principle of Development

Ilton is identified as a 'Rural Settlement' within the recently adopted South Somerset Local Plan and any proposals have to be assessed against Policy SS2. It is considered necessary to quote this policy verbatim as it is essential to understanding the acceptability of this scheme.

POLICY SS2: DEVELOPMENT IN RURAL SETTLEMENTS

Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.

Proposals should be consistent with relevant community led plans, and should generally have

the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services.

This policy is accompanied by text that lists the necessary services and they include school, church, play area, shop, pub etc. The text also indicates that Policy SS2 is likely to be suitable for schemes of up to 50 units.

This application is being justified primarily on the basis that it achieves the second bullet point (creation of enhancement of community facilities) and it is recommended that members read the comments submitted by the Area Development team as these clearly explain the evolution of the project and the need for the additional facilities.

The support from the parish council and the Area Development and Community Health and Leisure officers is clear evidence that there is a need for these facilities and therefore the

Comments have been received from a couple of neighbours in respect of the way in which the wider community were consulted upon this project. South Somerset's Area Development Officers have been working with the Parish Council throughout the process and it is clear from their comments that they believe that there has been effective engagement with the parishioners.

Highway Safety

The residential development will be served by the existing access to the farm. This is located on the south western edge of the village and immediately adjoins the traffic calming measures that have been installed. The application was also accompanied by a full Transport Assessment that identified traffic flows and gave information in relation to any previous traffic incidents in the area.

The County Highway Authority have assessed the application and have provided a comprehensive response confirming that they do not object to the scheme subject to the imposition of appropriate planning conditions.

Comments have been raised by neighbours in relation to the unacceptability of the proposal and some have suggested that the access be off Copse lane. Whilst this may benefit those who will adjoin the proposed access it would result in up to 47 dwellings having to gain access from a fairly narrow estate road and it is considered that the proposed access directly onto Church Road is a preferable solution.

Amenity and Design

As this is an outline scheme the actual detail of the scheme is not yet being considered. It is considered that the site can accommodate up to 47 units and that a layout can be achieved that will result in a scheme that is appropriate for this edge of settlement site.

Neighbouring properties have raised concerns about potential overlooking and this is understandable as the indicative layout does result in some unacceptable relationships between properties. Attention will be paid to the distances between properties at the Reserved Matters stage, particularly the potential impact upon Court Bungalow.

Neighbours that adjoin the access have understandably raised concerns about the impact of the additional vehicles on them in terms of safety and disturbance however it is not considered that this impact is so significant as to justify a reason for refusal.

The site does lie within one of the Noise Exposure Zones for Merryfield Airfield. The exposure is within Category B which means that new housing requires appropriate sound insulation.

The extension of the recreation ground and the creation of a small parking area is not considered to have a harmful impact upon the residents of the property that adjoin the land. Furthermore it is not agreed that an unacceptable level of light or noise pollution will occur and the actual detail of the sports facilities will result from further community consultation.

Flood Risk/Surface Water

The applicant has been in regular discussion with the Environment Agency and this has resulted in a scheme being submitted that provides detail of the method of ensuring that surface water is controlled within the development site.

Wessex Water have not highlighted any issues in relation to water pressure in the area

Landscape Impact

The Landscape Officer acknowledges that this is a large edge of village scheme that presents a challenge in ensuring that it will successfully integrate with the village. It will be essential for the Landscape officer to play a significant part in the negotiation of the actual layout, design (inc. landscaping) to ensure that the quality of the development is appropriate for this location.

Ecology

Surveys have been carried out that demonstrate that there is no issue in relation to protected species. However, the survey does indicate potential for Great Crested Newts within a water collection area and it will be necessary for the applicant to carry out a detailed survey. Should members support this application then it will not be possible to issue the consent until this issue has been properly assessed in the early summer.

Loss of Agricultural Land

It is understood that the land in question falls within the NPPF definition of the Best and Most Versatile Land and as such there needs to be consideration of any loss. The dwellings are located mainly on the area of the farm buildings and yard with the productive agricultural land being used as the recreation ground. As this is the only land that adjoins the recreation ground then it is the only opportunity to extend it and therefore the development cannot take place elsewhere. Furthermore, the use of the land as playing fields means that it is not lost to development forever.

Affordable Housing

Policy HG3 of the Local Plan requires that 35% of the units be affordable housing with these being split between social rented and another affordable product (shared ownership, reduced market cost etc). As part of the overall package, the applicant has offered 15 affordable units but has requested that these be maintained at 80% of market value rather than social rent as the surrounding area has recently benefitted from a Yarlinton redevelopment that produced a significant increase in the amount of social rented accommodation in the immediate area. The Area Development Team have provided evidence to explain that Ilton does have a high ratio of affordable units when compared with other settlements in Area North.

The applicants have indicated that as they are a Trust they would like to be involved in the allocation of the affordable units and retain an interest thereby ensuring that the 15 units will

benefit local people in perpetuity.

Impact upon Heritage Assets

There is one listed building near to the site (Ilton Court) but it is considered that the distances involved and the natural screening that exists will ensure that there is no adverse impact upon the setting of this building.

Archaeology

The applicant has carried out some additional survey work as requested by the county archaeologist however no response has been received at the time of writing this report. Members will be provided with an update at the meeting.

Rights of Way

The development is likely to impact upon the current route of the footpath and it will be necessary to amend the route so as to ensure minimum conflict between walkers and other users of the recreation ground. It is considered that there is sufficient space to allow an acceptable alternative to be achieved.

OTHER ISSUES

Summary

It is considered that this proposal has evolved through lengthy discussions between the landowners and the community and represents an excellent example of the way in which Policy SS2 was intended to be used. The provision of 47 dwellings in a settlement that benefits from a range of facilities is acceptable in principle but the inclusion of additional infrastructure would ensure that the wider community will benefit from the scheme.

Aside from the benefits that are being secured, it is considered that this is an appropriate scale of development for the village that can be accommodated without any resulting in any significant harm to the character of the area. Furthermore, all of the other relevant planning issues have been properly considered (highways, drainage etc) and there is no evidence to suggest that this development cannot be successfully achieved.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Negotiations to secure:

- additional playing field land
- car park extension
- reduced cost open market housing
- contributions towards local and strategic facilities

These negotiations will include the relevant officers together with the ward member and the parish council.

RECOMMENDATION

That subject to the submission of an acceptable Newt Survey (inc. mitigation measures if appropriate) the application be granted conditional approval subject to the successful completion of an appropriate Section 106 agreement.

01. It is considered that the development of up to 47 dwellings is of an appropriate scale for Ilton, a settlement that benefits from a wide range of facilities. Furthermore, the provision of affordable housing together with additional leisure and sports provision will enhance the community facilities to meet the needs of the new residents whilst addressing existing deficiencies that have been identified by the parish. The proposed site is considered to be acceptable in terms of access/highways, landscape impact, amenity, flooding, etc and it is therefore considered that the benefits of the development significantly outweighs any harm that may arise.

SUBJECT TO THE FOLLOWING:

01. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (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 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

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 and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

Reason: To ensure that the detail of the development can be properly considered.

03. The site hereby approved for development shall be as shown on the site plan AHWTSVISP1 Site Plan and access detail 14713/T03 contained within the Transport Assessment (received on 11th Sept 2014).

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

04. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with EQ1 and EQ2 of the South Somerset Local Plan.

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

06. No works shall commence on the construction of any dwelling unless the access has been formed in accordance with drawing 14713/T03 contained within the Transport Assessment (received on 11th Sept 2014). There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and to accord with EQ1 and TA5 of the South Somerset Local Plan.

07. No works shall commence unless an appropriate right of discharge of surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved drawings.

Reason: To ensure that surface water is adequately dealt with and to prevent discharge onto the public highway

08. The reserved matters application shall include full details of parking and turning within the development. The areas approved for such purposes shall be properly formed and consolidated in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The identified areas shall thereafter be used for the identified purpose and kept clear of all other obstruction.

Reason: To ensure that there is adequate parking and turning within the development and to accord with TA6 of the South Somerset Local Plan.

09. No construction of the dwellings hereby approved shall commence unless a scheme of sound insulation has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved specification.

Reason: In the interests of residential amenity and to accord with EQ2 of the South Somerset Local Plan.

10. The development hereby permitted shall not be commenced until a programme showing the phasing of the development has been submitted to and approved by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: To ensure that the development and associated infrastructure is delivered at the appropriate time and to accord with EQ2 and HW1 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced until such time as the public right of way has either been stopped up or diverted in accordance with any of the following:
 - a) An Order made by the Secretary of State for the Environment Transport and Regions under Section 247 of the Town and Country Planning Act 1990.
 - b) An Order made by the Local Planning Authority under Section 257 of the said Act 1990, or
 - c) An Order made by a Magistrates' Court under Part VIIA of the Highways Act 1980.

Reason: To ensure that an appropriate quality of public access is maintained.

12. Archaeological Conditions as required.

13. Ecology conditions as required.

14. The Reserved Matters application shall be accompanied by a waste and recycling strategy that includes provision for waste collection points, recycling facilities etc. The approved scheme/measures shall be carried out prior to the occupation of any dwelling and shall thereafter be permanently maintained.

Reason: In the interests of good planning and to accord with EQ2 of the South Somerset Local Plan and provisions with the Somerset Waste Plan.