

Area North Committee – 24 April 2013

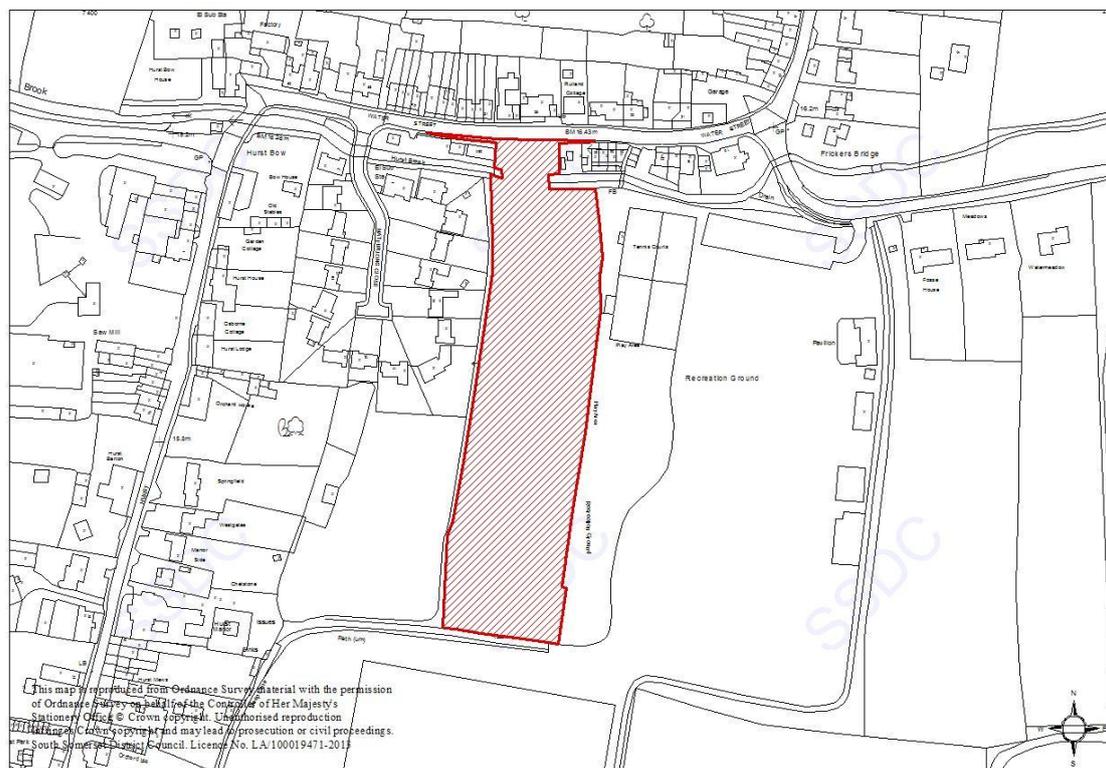
Officer Report On Planning Application: 12/04897/OUT

Proposal :	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) (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:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	22nd March 2013
Applicant :	The Mitchell Family & Martock Parish Council
Agent: (no agent if blank)	Boon Brown Architects, Shaun Travers, Motivo, Alvington, Yeovil. Somerset BA20 2FG
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the recommendation is for approval, which represents a departure from the development plan, and also in order to enable the representations from the occupiers of neighbouring properties to be fully debated.

SITE DESCRIPTION AND PROPOSAL



This application seeks full permission for the erection of 35 dwellings and site access arrangements and outline permission for a youth centre and pavilion with associated parking (access, layout and scale to be considered now). The site is 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, and large areas are still laid to hardstanding.

It is proposed to build the majority of the houses and the community facility on this land. The remainder of the site consists of a former car showroom, which will be demolished to make way for three dwellings fronting Water Street.

The site is located close to various residential properties to the north, a sports field and recreation ground to the east and south, and a relatively modern housing estate to the west. To the southwest of the site is an area of undeveloped agricultural land. The front part of the site is within the development and conservation areas, The front portion of the site is within flood zone 2, with the remainder (the majority) of the site being flood zone 1.

The proposed dwellings would consist of a variety of houses and flats. 12 of the 35 units would be affordable housing, consisting of 2 one bedroom flats, 1 two bedroom flat, 4 two bedroom houses, 4 three bedroom houses and 1 four bedroom house. It is proposed that all the affordable houses will be for 'social rent'.

A new access and bridge crossing the brook is proposed along with a new pedestrian bridge across the stream to allow access between a parking court and the rear of the proposed dwellings fronting Water Street.

The application is supported by:

- Statement of Community Involvement
- Protected Species Survey
- Design and Access Statement
- Extended Phase 1 Survey (ecology report)
- Flood Risk Exception Test
- Drainage Statement
- Transportation Statement
- Flood Risk Assessment
- Preliminary Travel Plan
- Planning Statement
- Tree Report
- Various plans and elevations.

HISTORY

11/04705/FUL - Application for a new planning permission to replace extant permission 08/04667/FUL to extend the time limit for implementation, for the demolition of existing buildings and erection of a terrace of 3 dwellings - Application permitted with conditions 04/01/2012

11/01049/CON - Demolition of existing showroom building - Application permitted with conditions 08/06/2011

08/04667/FUL - Demolition of existing building and erection of a terrace of 3 dwellinghouses - Application permitted with conditions 16/01/2009

07/05170/FUL - Demolition of existing building and erection of 3 no. terrace residential

units - Application withdrawn 03/01/2008

07/01097/CON - Demolition of existing building and the erection of a terrace of 4 no. dwellings - Application permitted with conditions 24/04/2007

07/01110/FUL - Demolition of existing building and the erection of a terrace of 4 no. dwellings - Application refused 24/04/2007

801026 - Outline: Residential development of land off Water Street, Martock. - Refused 28/08/1980

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 development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

STR1 - Sustainable Development
 Policy 1 - Nature Conservation
 Policy 33 - Provision for Housing
 Policy 35 - Affordable Housing
 Policy 48 - Access and Parking
 Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST3 - Development Area
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EH1 - Conservation Areas
 ST7 - Public Space
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC3 - Landscape Character
 EC8 - Protected Species
 EU4 - Drainage
 TP1 - New Development and Pedestrian Movement
 TP4 - Road Design
 TP7 - Car Parking
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
 CR3 - Off-Site Provision of Outdoor Playing Space and Amenity Space in New Development
 CR4 - Amenity Open Space
 HG7 - Affordable Housing

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 Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Martock Parish Council - As joint applicant the Parish Council members agreed to make no comment.

County Highway Authority - The highway authority initially left it to the LPA to determine whether the principle of the development is acceptable in terms of the local plan policy ST3 and the NPPF, but raised concerns in several areas. On the receipt of amended plans and information from the applicant the highway authority confirmed that the proposed substandard access road could remain private with the advance payments code being applied. As such it would be possible to approve the application, as amended, but the highway authority may well not be able to give any kind of technical approval now or in the future. They also confirmed that the previous concerns regarding the form and nature of the proposed access had been met. They also noted the difference in opinion between the applicant's agent and the Travel Plan team at the county council over what should be provided at this point in time. However, they conceded that this could be agreed through a S.106 agreement.

SSDC Climate Change Officer - Suggests that we should expect renewables to be explicitly detailed at the application stage for developments of this size, and notes that they are not. He notes the requirement of the changes to Part L of the building regulations, coming into force during 2013, which will incorporate the energy requirements for Level of the Code for Sustainable Homes. He states that level is unlikely to be achieved without an element of renewables. He notes that the application states an intention to reach Code Level 3, but states this will not be sufficient to meet building regulations at the time of construction.

He notes the constrained layout of the site, but states that with most of the dwellings orientated to face east and west, there will be little solar gain and sterilizes the buildings from installation of solar panels during construction or in the future.

He suggests that solar panels and a wood burning district heat system would be the most obvious choice for the site.

He states that he would like to see a section the application explaining how the requirement to comply with level 4 of the Code for Sustainable Homes will be met. He objects to the application until such an explanation has been provided.

SSDC Housing Officer - Expects 35% to be affordable units i.e. 12 properties. They support the proposed property mix. On the basis of a tenure split of 2/3rds social rent and

1/3rd for shared ownership/other intermediate products. These should be pepper potted throughout the site.

Natural England - Notes the Natural England Standing Advice is relevant to the determination of the application. Notes that the proposal, if the suggested mitigation proposals are implemented, will not affect favourable conservation status.

Wessex Water - No objection subject to agreement of connections.

SSDC Environmental Protection Unit - Notes that the site has had historic uses that are contaminative. As such, the use of certain conditions is suggested on any permission issued. He also suggests that the applicant should consider ways that the development can be designed to minimise the potential for conflicts, in terms of noise and light pollution, with the adjoining recreation ground.

SSDC Trees - Notes the high value young oaks in close proximity to plots 34 & 35, but states that his concerns have been alleviated through appropriate design of these plots. He recommends that where plots are located close to trees that standard sized half-round gutters are used and that they should have an effective leaf protection product installed. He notes that the off-site location of trees limits potential for damage, but states that root systems and existing hedgerows should be protected through an appropriate condition on any permission issued. He also requests an input into a tree planting details, particularly if it is to be dealt with at a later date.

SSDC Area Engineer - Notes change in flood zone of part of the site from 3 to 2. States that principle of sustainable drainage set out in the flood risk assessment is satisfactory. Requests that floor levels should be confirmed/agreed to be at least 150mm above 100 year plus climate change level. He asks that drainage details should be submitted for approval. He notes the comments of Wessex Water.

SSDC Open Spaces Officer - Requests 316.4 to 395.5m² of on site public open space which should avoid previously concreted areas.

SSDC Planning Policy - Notes lack of a 5 year housing land supply and raises no policy objections to the principle of the development. She notes that policy ST3 is no longer applicable as a constraint of housing land supply, subject to other material policy considerations.

SSDC Conservation Manager - No objections. Suggests that careful attention to designing the access road, bridge and containment of land either side will be required to ensure that the setting of the conservation area is preserved.

Parrett Drainage Board - Initially raised two objections. Firstly, on the grounds that the proposal could restrict the Board's ability to maintain the adjacent watercourse as an effective drainage channel in a flood vulnerable area. Secondly, on the grounds that the application contains insufficient information to determine if matters of flood risk and surface water drainage have received adequate attention. In the event that permission is issued they suggest the use of condition and informative. On the receipt of additional information from the applicant, the drainage board withdrew their objection subject to the agreement of surface water details and their future management.

SSDC Landscape Architect - No landscape issues.

SSDC Area Development Manager (North) - Notes that the Martock Community Plan of 2007 and the refreshed version in 2012 supported the building of a new youth centre

for the village. The plans were prepared and published after detailed local consultations by a group representing the parish council, Martock Christian Fellowship, Martock Community Group, local businesses and the local church.

She states that the site is well located to the recreation ground, which has a significant range of sports and leisure facilities. She suggests that combining halls with access to recreation and open space is very desirable, and that land secured in perpetuity for community use makes a major contribution to long term sustainability.

Subject to the usual assessments, she hopes that the application can be supported.

SSDC Community, Health and Leisure - Seeks a contribution of £166,138.83 (£4,746.82 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:

- £93,084.87 to be used for local facilities.
- £41,006.91 to be used for strategic facilities.
- £30,402.11 as a commuted sum towards local services.
- £1,644.94 as the Community, Health and Leisure Service administration fee.

They recommend that £54,063.75 is required upon the occupation of the first 25% of the proposed dwellings, £71,068.16 is required upon the occupation of 50% of the proposed dwellings, and that the final £41,006.91 is required upon the occupation of 75% of the proposed dwellings.

SCC Archaeology - No objections

SCC Youth and Community Service - States they are aware that Martock has been working towards a new youth centre for some time, and suggests that improved facilities and lower running costs of a new building will improve the quality and sustainability of services for young people in Martock. They note that their support is for the proposed community facility only, and are not commenting on the suitability if the location of the new development.

Avon and Somerset Constabulary Architectural Liaison - Concerned with the lack of access control to the proposed community centre. He notes the number of anti-social behaviour issues in Martock, including at the existing playing fields. He suggests that the propensity for youth to congregate in community car parks can result in community unrest and the heightened fear of crime. He suggests that the applicant considers installing access control to the car park and community centre and a perimeter fence of minimum 1.8 metres high to protect the site from casual intrusion. He suggests that the design for the centre has no recesses, laminate glass, protected or hidden down pipes, an alarm system, and secure waste bins kept away from the main fabric of the building.

SCC Education - Local schools have sufficient accommodation to cater for additional pupils living in this development.

Environment Agency - No objection to the proposed development subject to the imposition of certain conditions and informatives on any permission granted. They note the re-modelling exercise carried out to reclassify the site as flood zone 1 and 2, and accept the findings. They leave the sequential test to the LPA but encourage a sequential approach is taken to locate the more vulnerable residential development outside flood zones 2 and 3. They note the recent flood event in November 2012, but are

satisfied that the drainage scheme will not exacerbate the flood risk problems associated with Hurst Brook. They note that a final option has not been selected, but provide details as to how one of the possible options could be implemented successfully.

SSDC Ecologist - He states that he is satisfied with the submitted ecology report and agrees with its conclusions and recommendations. He notes the presence of a badger sett in the southwest corner of the site, and notes that the indicative layout for the outline section of the proposal (the pavilion) proposes parking spaces within the 5 metre buffer required if the sett is to be retained. He notes that being able to relocate the sett within the badger's territory is unlikely and suggests that if the number of parking spaces is critical to the outline consent, then the issue must be resolved prior to determination.

He notes that it is likely that slow worms will be present on site, but that legislation only protects the animals themselves and not their habitat. He states that consequently their presence should not constrain development but mitigation measures to avoid and minimise harm will be required. He suggests the use of condition to secure these.

He notes that the development will require the removal of vegetation likely to be used by nesting birds and recommends the use of a condition to prevent such works during the nesting season.

Finally he notes that the hedges bordering the site are the most valuable wildlife habitat on site. He recommends that the hedges are largely retained and managed in a way that is beneficial to wildlife.

REPRESENTATIONS

Four letters of support received. One from the occupier of a property in Ash, one from the occupier of a property in Bower Hinton, one from the platoon commander of the Martock Army Cadets, and one from the treasurer of the Martock Rugby Football Club. Support is given on the following grounds:

- Provision of youth facilities should be welcomed and embraced.
- The site is extremely suitable.
- Recreation ground currently has inadequate car parking facilities and a dangerous vehicular access. The proposal will be an improvement.
- The current changing room facilities are inadequate. The proposal will be an improvement.
- The existing premises are impractical and financial burden to the parish.
- Proposal will improve look of unpleasant looking land.
- This part of Martock is less congested than elsewhere.

One neutral letter was received from the occupier of a neighbouring property. The letter raises several questions but does not raise a specific objection.

Letters of objection were received from 34 individual households, 33 of which are households in Martock, with the remaining letter from a household in Ash. Objections were raised on the following grounds:

Flooding

- Increased risk of flooding.
- Proposal will decrease amount of available floodplain, increasing the risk of flooding to neighbouring properties. Building should not be allowed on the

floodplain.

- The proposed use of tanks suggests the site is likely to flood.
- In November the area was very close to flooding. The proposal will make the situation worse.
- Site is identified as functional floodplain by the Strategic Flood Risk Assessment (SFRA).
- SFRA suggests that flood zone 2 land will change to 3a due to climate change, as soon as in 12 years time.
- Existing drainage system is not adequate. This will exacerbate the situation.
- SFRA makes it clear that no development should be allowed on this type of site when other more suitable land is available.
- SUDS cannot be used where the water table is too high.
- Concern regarding the existing sewer and the potential to surcharge.
- Safeguards from flooding for the new houses is proposed, but no safeguards for the existing housing in Water Street are proposed.
- Concern regarding what will happen to the water when the proposed tanks are full.
- There are constant blocked drains (due to farm traffic), which do not get cleared.
- Properties may be de-valued if the house or road floods.
- The submitted FRA makes no mention of recent flooding as it happened after their site visit.
- The proposed sustainable drainage options will require maintenance, which, given the financial constraints which are placed on Council budgets, may prove difficult to undertake.

Visual Amenity

- The proposed three storey building is unsatisfactory given the rural position of the site.
- More Ham stone should be used as other proposed materials are not common in Martock.
- The proposal represents over-development of the site and will have negative impact on street scene. The pavilion is too big and too many houses are proposed.

Residential Amenity

- The Martock rec. has an existing access in Stoke Road, which protects residents from noise, congestion and unsociable behaviour. Another access is not necessary.
- Extremely large community facility will create noise and disturbance to existing residents, and new residents.

Community Centre

- If permission is granted for the housing it should be on the condition that the community facility is built at the same time.
- Proposed community centre is too big.
- The village as whole voted against the community facility a couple of years ago.
- New pavilion is not in line with the requirements of the Martock community.
- The community centre should not be sited at the end of a housing development.
- The trade-off in allowing the building of houses if a community centre is provided is unethical.
- The recreation ground already has a pavilion, another one is not necessary.
- A new pavilion could be built on existing parish land. Further land is not needed.
- Why is the application outline? This could be changed by the developer at a later

date.

- Concern over the cost to the parish council for the eventual building and maintenance of the proposed new hall. In these austere times will this possible?
- The existing facility could be redeveloped at less cost.
- The youth centre will encourage youths to hang around making people feel threatened.

Highways

- Proposed access will be dangerous as it is onto a stretch of Water Street that is single carriageway due to residents parking.
- Provision should be made for a pedestrian crossing of Water Street at the junction with Stoke Road.
- New houses and community facility will create additional traffic movements and resulting congestion. Water street already has too much traffic.
- There is already a lack of parking in Water Street. This will exacerbate.
- Objection to new road across the existing recreation ground.
- Pedestrians are splashed by road surface water.
- The road is noisy, particularly when there is surface water. The development will make this worse.
- Residents of Water Street may be forced to park in the existing rec. car park, leaving vehicles vulnerable to damage from young people driving around the car park in evenings.
- The impending arrival of Tesco will exacerbate traffic problems of Water Street, which will be further exacerbated by this development.

Other Matters

- Proposal should include provision for uses such as A1, A2, A3 or B1, particularly the proposed houses fronting Water Street.
- The remainder of the recreation ground perimeter track should be completed as part of the proposal to provide better pedestrian connection to the proposed community facility.
- Martock is supposed to be a village. Developments on this scale pushes it towards becoming a town.
- There are more suitable areas for further development elsewhere in Martock.
- Surely the land has an agricultural tie.
- Suspicions regarding the relationship between the applicants and some members of the parish council have been raised.
- Proposal will set a precedent for further development along Stoke Road.
- There is no requirement for further housing in Martock.
- There is a lack of infrastructure in Martock for any new housing.
- Concern regarding various wildlife that use the site, including Water Voles.

APPLICANT'S CASE

"This proposal provides an exciting opportunity to bring the application site into active residential and community use to help address local housing need and provide a range of housing opportunities in a sensitive and well-designed manner. The design proposals will cause no harm to the amenities of the area or prejudice highway safety.

It has been comprehensively demonstrated by this planning statement and its supporting documents that the proposal complies with all relevant policies of the Development Plan, national planning policy and, is supported by material planning considerations.

Accordingly it is respectfully contended that planning permission ought to be granted."

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Flooding
- Highways
- Visual Amenity
- Residential Amenity
- Ecology
- Planning Obligations
- Trees

Principle of Development

The principle of developing the small portion of the site north of Hurst Brook is already established by planning permission 11/04705/FUL, which is for three dwellings and remains extant.

The remainder of the site is located outside the defined development area of Martock, where residential development is normally strictly controlled by local and national planning policies. Although this part of the site has had built structures on it in the past, the remains of which are still visible in the form of several concrete hard standings, it has only been used for agricultural purposes and cannot therefore be considered as previously developed land.

As highlighted by the SSDC Planning Policy Officer, policy ST3 can no longer be considered in relation to housing supply because SSDC cannot demonstrate a five year housing supply. Without Policy ST3 the aims and provisions of the NPPF (and other relevant local plan policies) must be relied on, in the context of supporting residential development in sustainable locations. Martock is a large village containing a variety of shops, services, facilities, and employment opportunities. Given that the site is immediately adjacent to the existing built form, and development area, of Martock the site is considered to be a sustainable location for residential development, and the principle is therefore considered to be acceptable.

The proposed youth centre/pavilion is also located outside the defined development area. As the pavilion is not residential development policy ST3 still applies. The proposed facility cannot be considered to strictly comply with policy ST3. However, given the proximity of the facility to the existing recreation ground, any growth in the need to travel will be limited and outweighed by the benefits of such a facility to the community. As such the principle of developing this site is considered acceptable.

Flooding

The northern portion of the site, which will contain some of the proposed dwellings, is within flood zone 2. Therefore, according to paragraph 101 of the NPPF, a sequential test must be applied and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The applicant has supplied a sequential test with the application that concludes that there are no other better reasonably available sites in Martock, given that the proposed development includes a pavilion to be used in conjunction with the existing recreation ground. The submitted sequential test relies on limiting the search area of the test to the land surrounding the recreation ground on the basis that the proposed pavilion must, logically, be sited on or immediately adjacent to the recreation ground.

As the provision of the pavilion and a safe and secure access to the pavilion (which represents a considerable community benefit), is inextricably linked to the proposed housing development in terms of viability, it is considered that the argument advanced in the application is sound. Of the land surrounding the recreation ground, it is agreed that only the proposed site is a viable choice. It is therefore considered that the sequential test has been passed.

A number of objections have been raised by the occupiers of neighbouring properties in relation to the increased risk of flooding, which they feel the proposed development poses. However, the Parrett Internal Drainage Board, the SSDC Area Engineer, and the Environment Agency are content with the scheme and, as such, subject to the imposition of certain conditions on any permission issued, the scheme is considered to be acceptable in terms of the impact on flood risk.

Highways

No objections in respect to highway safety or the impact on the surrounding highway network have been raised by the highways authority, although there are some technical concerns with the proposed access road and the details supplied with the travel plan. The applicant's agent has refused to rectify the technical problems with the proposed access; however the applicants have agreed that they would be prepared for the access road to remain private, and to accept the Advance Payment Code that would have to be applied. Effectively the access road would be un-adoptable and would have to be covered by a private maintenance arrangement funded by future residents.

The highway authority has also agreed to this approach in this case. The applicant and the highway authority have both agreed that the final details of a travel plan can be agreed through a S.106 agreement attached to any permission issued. The highway authority has noted that the proposed parking levels for the dwellings and the pavilion are in accordance with the Somerset Parking Strategy.

Notwithstanding the various concerns raised by neighbouring occupiers, it is therefore considered that the transportation aspects of the scheme are acceptable in accordance with policy ST5 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

At the time of writing the highway authority has not suggested any conditions or informatives that should be included on any permission issued, but these can be provided as an oral update to the committee.

Visual Amenity

The SSDC Conservation Manager and the SSDC Landscape Architect were consulted as to the visual impact of the development, with neither raising any objections to the scheme. The Conservation Manager has suggested that careful attention to designing the access road, bridge and containment of land either side will be required to ensure that the setting of the conservation area is preserved. It is considered that these matters can be satisfactorily controlled through the imposition of suitable conditions on

any permission issued. The standard of design and the proposed materials are considered to be of a generally high standard, and as such it is considered that the proposal will provide a positive contribution to the character of the area, and will serve to enhance the character of the conservation area through the demolition of the existing unsightly buildings.

A concern has been raised that the proposed community centre is too big. However, the design of the community centre is not finalised, and the indicative scale is considered to be appropriate.

Therefore, notwithstanding the various concerns of neighbouring occupiers, it is considered that the scheme will be in keeping with the character of the conservation area in accordance with policies ST5, ST6 and EH1 of the South Somerset Local Plan.

Residential Amenity

The site is well located in relation to the surrounding residential properties, being an adequate distance from neighbouring properties so as to prevent demonstrable harm through overlooking, overbearing or overshadowing.

The site is immediately adjacent to an existing recreation ground, including children's play equipment and floodlit tennis courts. As such, there is potentially a concern regarding the impact of this neighbouring use on the amenity of the future occupiers of the proposed dwellings. The applicant's agent has drawn attention to the original permission allowing the floodlighting at the tennis courts and the conditions imposed on that permission to try and protect residential amenity. However, on closer inspection it is clear that the condition controlling the hours of operation for the floodlights is unenforceable and would not serve to protect the amenity of any neighbouring occupiers.

Nevertheless, given the position of the floodlights, the orientation of the proposed properties, the proposed landscaping, and the technical specifications of the flood lights allowed, it is considered that there would not be an unacceptable impact on the occupiers of the proposed dwellings. Due to their distance from the site, it is not considered that any of the other floodlights within the recreation ground would have a significant impact on the residential amenity of the occupiers of any of the proposed dwellings.

Concerns have been raised by the occupiers of neighbouring properties that they will have their amenity impacted through disturbance due to the formation of what essentially amounts to a new access into the recreation ground. However, it is not considered that the new access road and junction onto Water Street will create an unreasonable level of disturbance in itself, and any parking associated with the use of the recreation ground is likely to be contained within the proposed car park to serve the pavilion, and therefore a significant distance from the existing residential properties.

A further concern has been raised that the proposed large pavilion will create disturbance to new and existing residents, and should not be sited at the end of a residential road. However, the facility will be a significant distance from existing residents, and the occupiers of the new dwellings would be aware of the plans to build a community facility when purchasing their properties. Furthermore, any impact on neighbouring properties will be controlled through licensing legislation, which is outside of the scope of the planning system. It is therefore considered that the proposed facility will not create an unacceptable level of disturbance.

Consequently it is considered that the proposed dwellings and community facility will not

cause unacceptable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Ecology

Various concerns have been raised by the occupiers of neighbouring properties regarding the wildlife that uses the site and the surrounding area, and the impact that the proposed development will have on it. Natural England and the SSDC Ecologist were consulted as to this potential impact. Natural England has referred to their standing advice, but has not commented in detail on the specifics of the application. The SSDC Ecologist has noted the submitted ecology statement and agrees with its findings and recommendations. It is considered that the recommendations of the report can be secured through the imposition of an appropriate condition on any permission issued. The ecologist also recommends the use of conditions in relation to the likely presence of slow worms and nesting birds on site. The suggested conditions are considered to be relevant and appropriate. He also notes that the existing hedges on site are the most valuable habitat, and that they should be protected as far as possible. It is considered that the retention of the majority of the existing hedges can be secured through the imposition of a suitable landscaping condition on any permission issued.

The ecologist has noted a conflict between the existing badger sett on site and the proposed car park layout, in that some of the proposed car park spaces to serve the proposed pavilion would be within the required exclusion zone surrounding the sett. It is considered that an appropriate condition can be imposed on any permission to indicate that the proposed car park layout is not approved. The loss of the spaces from the car park is not considered to be significant, given that the Somerset Parking Strategy only seeks to impose a maximum number of non-residential car park spaces and that the final floor area and design of the proposed pavilion would be dealt with at the reserved matters stage of the application process.

A specific concern has been raised by the occupier of a neighbouring property regarding the presence of water voles in Hurst Brook. This issue has not been specifically addressed by the SSDC Ecologist at the time of writing, but an update regarding his opinion will be provided to the committee orally.

Planning Obligations

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £164,493.89 plus an administration fee of £1,644.94, which means a total obligation sought of £166,138.83 (£4,746.82 per dwelling). The applicant has agreed to pay the total contribution sought along with a £500 section 106 (legal agreement) monitoring fee. The application is therefore considered to comply with policy ST10 of the South Somerset Local Plan.

The SSDC Open Spaces officer has stated that between 316.4 and 394.5 square metres of open space should be provided in a fairly central location in order to comply with policy CR2 of the South Somerset Local Plan. The applicant has indicated that due to the proximity of the site to the existing recreation ground they do not feel that provision of onsite open space is necessary. Therefore a contribution of £237.50 per bedroom to the upkeep of the existing recreation ground has been sought in lieu of providing on site open space in accordance with policy CR3 of the local plan. The applicant has agreed to pay such a contribution, and the scheme is therefore considered to comply with policy CR3 of the South Somerset Local Plan.

The applicant has confirmed that twelve of the thirty-five proposed properties will be

affordable in accordance with policy HG7 (as amended) of the South Somerset Local Plan. The SSDC Housing Officer has indicated that she is happy with the proposed property mix and tenure type. She has also requested that the units should be pepper potted throughout the site and that the units are developed to blend in with the proposed. Whether the units are pepper potted throughout the site will be a matter dealt with through a Section.106 agreement, and not a matter that needs to be considered here.

Somerset County Council was consulted as to the impact on local school provision. They stated that local schools have sufficient accommodation to cater for additional pupils living in the proposed development. Therefore, no contributions to local schooling have been sought.

Trees

The SSDC Tree Officer was consulted as to the impact of the development on the on site, and nearby, trees. He raised no objections to the scheme, but has recommended that where plots are located close to trees, that standard sized half-round gutters are used and that they should have an effective leaf protection product installed. He has also noted that the off-site location of most trees limits potential for damage, but states that root systems and existing hedgerows should be protected through an appropriate condition on any permission issued. He also requests an input into a tree planting details, particularly if it is to be dealt with at a later date. It is considered that these matters can be controlled through the imposition of appropriate conditions on any permission issued.

Other Matters

Wessex Water was consulted as to the impact on the drainage system and has raised no objections to the scheme.

The site previously had chicken sheds sited on it as well as the former garage use. Therefore the SSDC Environmental Protection Unit was consulted as to any potential impact from contaminated land. They raised no objection to the scheme subject to the imposition of a specific condition on any permission issued. Such a condition is considered to be appropriate and reasonable.

The police architectural liaison officer was consulted and raised a concern regarding the potential for anti-social behaviour at the proposed pavilion, due to a number of existing anti-social behaviour issues at Martock Recreation Ground. This chimes with a concern raised by neighbouring occupiers about the proposed pavilion encouraging anti-social behaviour. The police liaison officer suggests that access control to the car park should be provided, along with a welded mesh perimeter fence, and various anti-crime measures are employed in the design of the pavilion. It is considered that all of these matters are best dealt with at the reserved matters stages for the pavilion, and do not need to be considered further here.

Whilst the climate change officer raised an objection to the scheme the District Council currently has no policies that would justify requiring the applicant to address these concerns. Nevertheless it is to be noted that the proposed dwellings would be designed to meet level four of the Code for Sustainable Homes.

A neighbour has stated that if permission is granted for the housing it should be on the condition that the community facility is built at the same time. However, the benefits to the community of providing the land for the community facility and the access to the land are considerable, and to also require the funding of the building of the pavilion would be

unreasonable. A further concern was raised that the trade-off in allowing the building of houses if a community centre is provided is unethical. However, that is not the trade-off proposed, but in any case a benefit to the community can be legitimately weighed against specific planning harm. In this case the proposed benefits to the community inextricably link the proposed pavilion to the proposed housing (through viability), which enables the flooding sequential test to be passed.

Concerns have been raised that the village has already voted against the proposed community centre, the recreation ground already has a pavilion so a new one is not necessary, the pavilion could be built on existing parish land, and that the proposed pavilion is not in line with the requirements of the Martock community. However, the SSDC Area Development Manager has confirmed that the Martock Community plan of 2007 and the refreshed version of 2012, both drawn up in consultation with the community, outline the need for such a facility. It should also be noted that the parish council, the elected representatives of the people of Martock, are a joint applicant and therefore clearly supportive of the scheme.

On a similar vein concerns have been raised regarding whether the parish council can afford the facility, both in terms of construction and maintenance, and whether the existing facility could be redeveloped at less cost. However, as noted above, the parish council are joint applicant and clearly behind the scheme. Whether they can afford the facility or whether the existing facility could be redeveloped at less cost are not planning matters, and must remain a factor for the parish council to consider.

A concern has been raised that the application is only outline and could be changed at a later date by the applicant. However, planning permission for any deviations from the approved scheme would be needed, and such deviations would be considered as part of a future application.

It has been suggested that the scheme should include provision for uses such as A1, A2, A3 or B1. However, what has been proposed is residential and a D1 pavilion and that is what must be considered. Both these uses are considered to be appropriate in the proposed locations, and the fact that other uses may be equally acceptable is not a reason to constrain the proposed development.

It has also been suggested that the perimeter track at the recreation ground should be completed as part of the proposal to facilitate better pedestrian connection to the proposed facility. However, the proposed pedestrian links are considered to be acceptable, and it would be unreasonable to require further improvements as part of the scheme. It is noted that if permission is granted money will be paid by the developer towards the upkeep of local facilities, and it could be decided that the money would be best spent as suggested above.

A concern has been raised that Martock is supposed to be a village and that developments of this scale push it towards becoming a town. However, Martock is considered to be a sustainable location for new development and growth is inevitable and indeed welcomed by local and national planning policy. A further concern has been raised that there are more appropriate places for development available elsewhere in Martock. This may well be true, but in itself would not be a reason to constrain development at this site. The issue of sequential testing of the site in relation to flood risk is discussed in detail above, and need not be considered further here.

A concern has been raised that the land has an agricultural tie. It is not clear what is meant by this comment, but the use of the majority of the land is indeed currently agricultural. The application involves the change of use of the land from agricultural and

that is what is considered above. Just because land has always been agricultural in the past is not a reason, in itself, to prevent the change of use of that land in the future subject to the appropriate planning permission.

A member of the public is concerned about the relationship between the applicants and the parish council. However other legislation exists to address such matters.

A concern has been raised that any approval will set a precedent for further development along Stoke Road. It is not considered that any approval would set such a precedent, and in any case it is not clear that such a precedent would be undesirable. Any applications for future development elsewhere in Martock would be considered on their own merit.

A concern has been raised there is no further requirement for further housing in Martock. However, there is a local and national shortage of housing and the market will dictate whether further housing specifically in Martock is required.

There is a concern that there is lack of infrastructure in Martock to support any new housing. However, the applicants have agreed to pay all contributions requested by consultees, and it must be assumed that the consultees who have not requested contributions consider the existing infrastructure to be adequate.

Conclusion

The proposed development is considered to be acceptable in principle and to have passed the exception test in terms of its partial siting in flood zone two. It is considered that the impact on visual amenity, residential amenity and highway safety will be acceptable. The impact on local ecology is considered to be acceptable subject to suitable mitigation. The applicant has agreed to pay the appropriate contributions. The application is considered to be acceptable in all other regards.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, EH1, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP4, TP7, CR2, CR3, CR4 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

S.106 Agreement

Should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards off-site open space provision,
- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Ensure that 12 of the residential units are of affordable tenure and remain so in perpetuity.
- Ensure that the land necessary to enable the development of the pavilion and the proposed car park are ceded to the parish council, and a pedestrian and vehicular access to the site from Water Street fully constructed prior to the occupation of any of the approved dwellings.
- That a travel plan is agreed with Somerset County Council and fully implemented in accordance with the agreed details.

RECOMMENDATION

That application reference 12/04897/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Secure the agreed contribution of £237.50 per bedroom towards off-site open space provision.
 - 2) Secure the agreed contribution of 4,746.82 per dwelling towards strategic and local outdoor playing space sport and recreation facilities.
 - 3) Ensure that 12 of the residential units are of affordable tenure and remain so in perpetuity. As requested by the SSDC Housing Officer.
 - 4) Ensure that serviced land, with pedestrian and vehicular access for the pavilion and the proposed car park is ceded to the parish council free of any land contamination issues and without any on-going financial responsibility for any unadoptable road.
 - 5) That a travel plan is agreed with Somerset County Council and fully implemented in accordance with the agreed details.
- b) A favourable response from the SSDC Ecologist in relation to the presence of water voles on site.
- c) The following conditions:

Justification:

01. Notwithstanding the local concerns, the provision of 35 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, or visual amenity. The appropriate mitigation has been put forwards to address concerns about flood risk and future occupiers would not be placed at undue risk, nor would there be an increased risk of flooding elsewhere as a result of the proposed development. As such the scheme is considered to comply with the saved polices of the local plan and the aims and objectives of the NPPF.

Conditions:

01. The residential 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 pavilion development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

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

03. Approval of the details of the car park layout, the internal floor levels and external appearance of the pavilion, and the landscaping and boundary treatment of the pavilion curtilage (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development to the pavilion section of the development is commenced.

Reason: To accord with the provisions of Article 3 of Town and Country Planning (General Development Procedure) Order 1995.

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

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

05. The development hereby permitted shall be carried out in accordance with the following approved plans: 3159/011, 3159/012, 3159/013, 3159/014, 3159/015, 3159/016, 3159/018, 3159/019, 3159/20, 3159/21, 3159/22, 3159/23, 3159/24, 3159/26, 3159/27, 3159/28 and 3159/29 received 20 December 2012, and A081169/28/C/1300/B and 3159/04A received 11 March 2013, and 3159/03B, 3159/017A and 3159/25A received 25 March 2013.

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

06. Prior to the commencement of development the developer of the site shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The developer shall:-

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, of if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with policy EP5 of the South Somerset Local Plan.

07. Prior to the implementation of this planning permission, any associated site vegetation clearance, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree & shrub planting, a tree protection plan and

an arboricultural method statement relating to retained trees and hedgerows on or adjoining the site, shall be prepared so as to conform with Paragraphs 5.5, 5.6, 6.1, 6.2 & 6.3 of British Standard 5837:2012 - Trees in relation to design, demolition and construction. The tree planting scheme, the tree protection plan and the arboricultural method statement details shall then be submitted to and agreed in writing with the Council and they shall include the following details:

- A scheme of new tree & shrub planting detailing the size, locations, species and timing of planting and;
- the installation specification and locations of any necessary protective fencing and ground protection measures clearly detailed upon a tree protection plan and;
- where necessary, details of special tree protection and engineering measures for any required installations of built structures, below-ground services and hard surfacing within the root protection areas of retained trees and;
- a requirement for a pre-commencement site meeting to be held between the appointed building & ground works contractors, the appointed arboricultural consultant and the Council's Tree Officer.

Upon approval by the Council, the measures specified within the agreed scheme of new tree planting, the tree and hedgerow protection plan and the arboricultural method statement shall be implemented in their entirety for the duration of the construction of the development, inclusive of landscaping measures.

Reason: To secure the planting of new trees and to preserve the health, structure and amenity value of existing trees and hedgerows in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)

08. Finished floor levels shall be set no lower than 16.07 mAOD, or 300mm above surrounding ground level, whichever is greater.

Reason: To reduce the risk of flooding to the proposed development.

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

Such scheme shall also include details of how the scheme shall be maintained and managed after completion.

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.

10. No work shall be carried out on site until full details of the access road, pedestrian and vehicular bridge design, and the method of containment for the land to either side of the access has been submitted to an approved in writing by the local

planning authority. The work shall be carried out in accordance with the approved details and maintained in such fashion in perpetuity.

Reason: In the interests of visual amenity and in accordance with policies EH1 and ST5 of the South Somerset Local Plan.

11. The pavilion hereby approved shall be used as a sports pavilion and youth centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

12. Prior to first occupation of the pavilion hereby approved a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. There shall be no external lighting installed on the pavilion or within its curtilage other than those agreed as part this scheme.

Reason: In the interests of residential amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

13. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

14. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

15. The development hereby approved shall be carried out in strict accordance with findings and recommendations of the ecology report titled 'Extended Phase 1 Survey' by Oecologic dated 09/11/2012, received 20 December 2012 and with findings and recommendations of the ecology report titled 'Protected Species Survey' by Country Contracts dated April 2011, received 20 December 2012, unless otherwise agreed in writing with local planning authority. In the event that it is not possible to do so all work shall cease until such time as an alternative strategy has been agreed in writing by the local planning authority.

Reason: In the interests of protecting on site wildlife, including any protected species, in accordance with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

16. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme of landscaping shall include the retention of the majority of the existing hedgerows on site and a plan for their management in a way that is beneficial for wildlife and biodiversity.

Reason: In the interests of visual and residential amenity and in accordance with policies EC3, EH1, ST5 and ST6 of the South Somerset Local Plan.

17. Notwithstanding the submitted plans, details of the layout of the car park shall be submitted to and agreed in writing by the local planning authority prior to work commencing on site. Once approved such details shall be fully implemented prior to the pavilion first being brought into use and shall be maintained at all times thereafter.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

18. No work shall be carried out on site until particulars of the following, in relation to the housing element of the scheme, have been submitted to and approved in writing by the Local Planning Authority:
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
 - c. 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;
 - d. details of all hardstanding and boundaries
 - e. details of the rainwater goods and eaves and fascia details and treatment.

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 saved policies ST5 and ST6 of the South Somerset Local Plan.

19. No development hereby permitted shall be commenced unless details of the proposed finished ground floor levels of the residential part of the development and

associated levels changes within the site have been submitted to and approved in writing by the local planning authority. Once agreed there shall be no variation of these floor levels without the prior written consent of the local planning authority.

Reason: The local planning authority wish to ensure that the proposal does not have an adverse effect on the setting and character of the area in accordance with Policies ST5 and ST6 of the South Somerset Local Plan adopted April 2006.

20. Any other conditions as reasonably requested by the County Highway Authority.

Informatives:

01. The applicant's attention is drawn to the comments of the Environment Agency received 12 March 2013 and the informative notes contained therein.
 02. The applicant's attention is drawn to the comments of the SSDC Climate Change Officer dated 08 January 2013 regarding the need for the dwellings hereby approved to comply with level 4 of the Code for Sustainable Homes.
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