

Area North Committee – 23 October 2013

Officer Report On Planning Application: 13/01500/OUT

Proposal :	Outline application for residential development for 35 dwellings. (GR:345930/120260)
Site Address:	Land Off Lyndhurst Grove, Martock
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Graham Middleton Cllr Patrick Palmer
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	16th July 2013
Applicant :	Mr R Frankpitt
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street, Chard, Somerset TA20 1QF
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is referred to committee as the recommendation for approval is a departure from saved policy ST3 of the South Somerset Local Plan which, as a policy to constrain development and given the Council's current lack of a demonstrable 5 year housing land supply, conflicts with the National Planning Policy Framework.

BACKGROUND

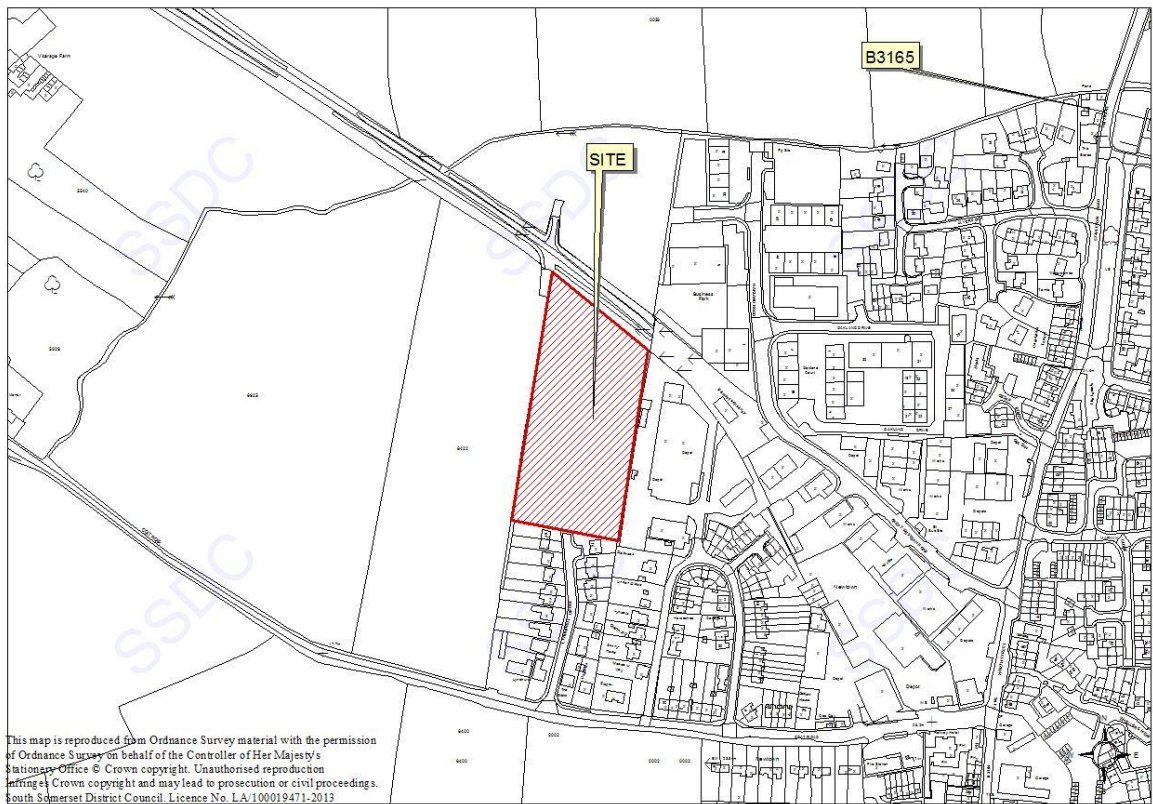
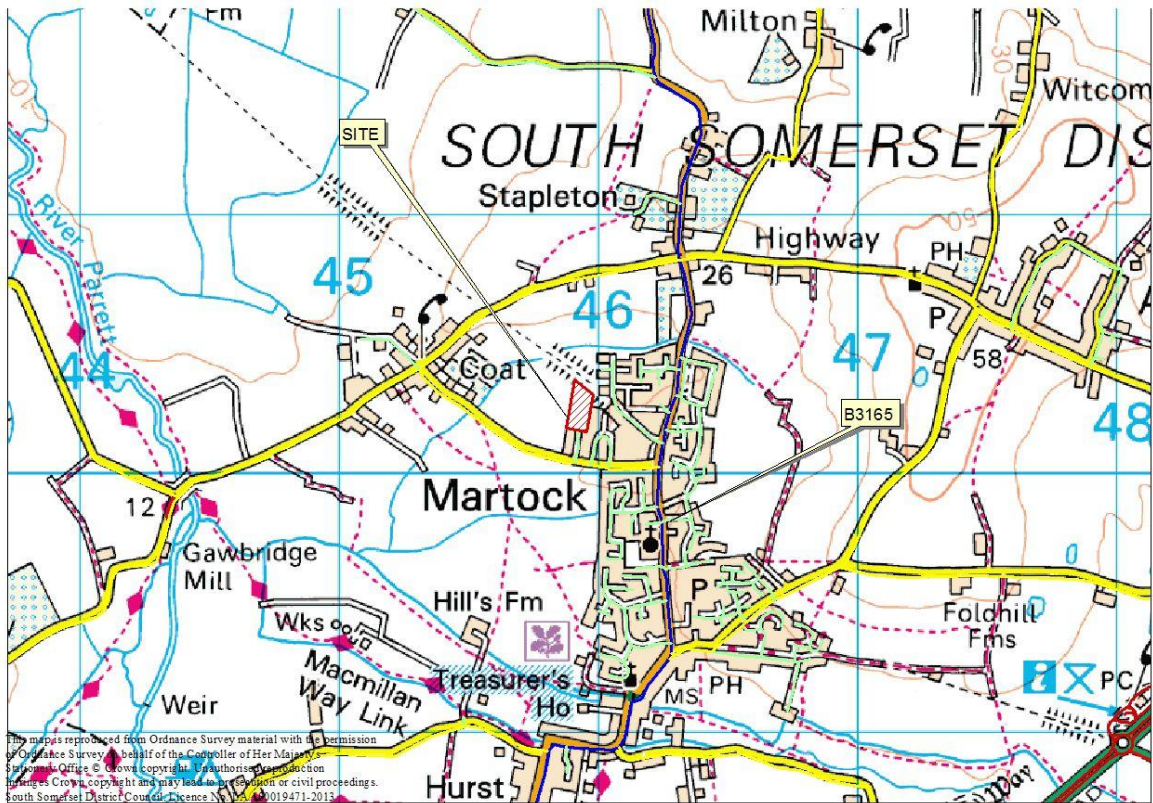
This application was considered at the September Committee when it was resolved to defer determination of the application to enable further information to be sought in relation to:-

- The potential impact on Unwins
- The density of development compared to other developments
- Highways improvements that may be required
- Sewerage disposal
- Waste collection

Following discussions with the applicant and his agent additional information has been provided in the form of a statement (07/10/13) outlining the applicant's position and a more detailed letter (08/10/13) setting out their case. This is supported by the Environmental Noise Assessment provided with Unwin's application for the test building (08/04481/FUL), the environmental health officer's comments in relation to that application and a plan of the locality showing the context.

The previous report has been updated and sets out the Council's consideration of this additional information and expands on the concerns raised by the Committee.

SITE DESCRIPTION AND PROPOSAL



This is an outline application for the erection of up to 35 dwellings with the details of the access from Lyndhurst Grove to be considered now. All other matters (appearance, landscaping, layout and scale) are reserved for subsequent consideration under a

'reserved matter's application.

The site is currently a single level, 1.35 hectare agricultural field bounded by existing residential development in Lyndhurst Grove to the south, industrial development to the east, the former railway line to the north and agricultural land to the west. The properties in Lyndhurst grove are 2-storey houses of a variety of design and materials fronting onto the road. To the east the industrial buildings are large modern structures housing an engineering works (B2) and there is a sewage pumping station within the industrial area on the east boundary.

The application is supported by:

- Planning Statement
- Design and Access Statement
- Ecological Assessment
- Transport Statement
- Draft Travel Plan

Subsequently a Flood Risk Assessment and a Noise Assessment have been provided and further consultations carried out. An amended site layout has also been provided for information to demonstrate that the measures suggested by the Noise Assessment can be implemented.

HISTORY

892456 Outline permission refused for 6 houses (27/9/89)

880810 Outline permission for residential development refused (06/05/88). Appeal dismissed (26/04/89).

870257 Outline permission for 14 houses refused (13/03/87).

862211 Outline permission for 14 houses refused (07/11/86).

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 South Somerset Local Plan.

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

- ST3 - Development Areas
- ST5 - General Principles of Development
- ST6 - The Quality of Development
- ST7 – Public Space
- ST9 - Crime Prevention
- ST10 - Planning Obligations
- EC3 - Landscape Character
- EC8 - Protected Species
- EU4 - Drainage

TP1 - New Development and Pedestrian Movement
 TP2 – Travel Plans
 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

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

Verrington Hospital Appeal Decision 11/02835/OUT – this established that the Council does not currently have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

Currently the Council accepts that it does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Limits) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

CONSULTATIONS

Martock Parish Council – initially lodged a ‘holding objection’ pending submission of additional details regarding drainage, noise and ecology. Clarification was sought on “a *strategic plan for sustainable development in Martock*.” In relation to Noise assessments and flood risk assessment support is offered subject to:-

- No objection from highways
- Approval of a noise mitigation scheme
- 15m zone between buildings and pumping station;
- Agreement of surface water drainage scheme
- S106 towards highways improvements to relieve traffic congestion in Martock/Ash.

County Highway Authority – no objection subject to conditions to cover the formation of the access and to agree the technical details of the roads and a S106 to cover travel planning measures. They have confirmed that they own land needed to complete footpath link to North Street and suggest a condition needs to be added to require this prior to occupation.

SSDC Area Engineer – recommends a condition to secure the agreement of surface water drainage details.

Somerset Drainage Boards Consortium – no objection subject to agreement of drainage details.

Wessex Water – no objection to drainage proposals and confirms the adequacy of the existing water supply. Request 15m buffer zone around the sewage pumping station on the east boundary.

Environment Agency - initially sought additional information about the flood risk assessment. Subsequently raises no objection subject to conditions to agree surface water drainage and maintenance. Informative recommended to cover water efficiency, construction and waste management.

Climate Change Officer – no objection, suggests layout should be reconsidered at reserved matters stage to maximise solar orientation.

Environmental Protection Unit – no objection on the grounds of possible land contamination. Accepts the findings and recommendations Noise Assessment and raises no objection subject to a 20m cordon sanitaire along the east boundary, an acoustic barrier and a condition to agree a noise mitigation scheme in relation to the final layout.

They have re-visited the original Unwins noise assessment and observe that the:-

“ current position remains the same, the crash test facilities to date have provided no complaints from residents who reside in very close proximity to the building concerned, as indicated by the acoustic report submitted with the planning application for this facility.”

Landscape Architect – No landscape objection to the principle of development. Notes that this is an area of land that is indicated as having a potential for development by the landscape peripheral study of Martock, June 2008.

Leisure Policy Coordinator – Seeks a contribution of £171,565.30 (£4,901.87 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £96,301.51 to be used for local facilities.
- £31,754.78 as a commuted sum towards local services.
- £41,810.35 to be used for strategic facilities.
- £1,698.67 to cover the Community, Health and Leisure Service administration fee.

Ecologist – accepts the findings and recommendations of the Ecological Assessment.

Planning Policy - Notes lack of a 5 year housing land supply and considers that Martock is a sustainable location for development. This area has been denoted as having a high

capacity to accommodate built development and relates well to the existing settlement. Advises consideration should be given to the employment site to the east which has the potential to cause conflict.

SSDC Housing Officer - requests 12 affordable - 8 social rent and 4 shared ownership or other intermediate solutions. These should be pepper potted throughout the site and developed to blend in with the proposed house styles. Any 1 bed units to either be a house or to have the appearance of houses. The required affordable housing property mix should be based on the current need for Martock

Somerset Wildlife Trust – accepts recommendations of Ecological Assessment and suggest control be exerted over external lighting to mitigate impact on bats.

REPRESENTATIONS

15 letters of objection have been received from local residents raising the following concerns:-

- The development of this site has been previously rejected and an appeal dismissed – nothing has changed;
- Land is outside development area
- Over development;
- Unsustainable location – residents would have to travel to work by car;
- Loss of residential amenity;
- Lyndhurst Grove ill-suited to serve as access;
- Impact of increase traffic in Lyndhurst Grove on safety and parked cars;
- Impact of increased traffic in Ash;
- Increased flooding;
- Pumped foul drainage system is already at maximum capacity;
- Loss of agricultural land;
- Visually intrusive and out of character;
- Loss of outlook;
- Impact on wildlife;
- No need for additional houses in Martock;
- Impact should be considered in light of proposal for 80-100 on other side of Coat Road;
- Play area next houses is abhorrent – there are only 7 children in Lyndhurst Grove at present – bigger gardens should be provided instead;
- Play area should not be next to a road;
- Impact on infrastructure, including the school and doctors;
- Full planning application should be made;
- Loss of property value

Additional letters have been received from the adjoining industrial occupier and the developer of the residential site on the other side of Coat Road raising the following:-

- Potential conflict between the amenities of future occupiers of the proposed houses and the existing and future operations and expansion of neighbouring industrial businesses;
- The Unwins site currently operates 0730-1630. Forecasted growth is likely to lead to increased manufacturing hours and more shifts.
- There have already been complaints from dwellings to the south;

- Previous schemes have been refused due to the relationship with the industrial site;
- There are plenty of alternative sites for residential development;
- This site is well positioned to provide a significant contribution toward future need for employment land
- If access were to be taken from further west along Coat Road a new access to Unwins could be provided relieving the pressure on The Horseshoe;
- As a smaller site it would only offer a piecemeal approach to planning obligations. Larger sites are better positioned to deliver the necessary social infrastructure required by the community;

As a result of the further consultations on the Noise Assessment and Flood Risk Assessment 2 further comments were received from businesses on the industrial site:-

- The Assessment noise survey was carried out between 1410 and 1100. This is not a full 24 hour period and does not reflect activities on the industrial site;
- The equipment was not recording between 0700 and 0730 and 1625 and 1635 the peak times for staff coming and going;
- Lack of clarification over what constitutes a 'short term' noise;
- 3m acoustic barrier would be unsightly;
- Mitigation measures such as specialist glazing only works when the windows are closes;
- The scheme would be detrimental to the future viability and growth of our businesses;

APPLICANT'S CASE

1. Policy. Officers have confirmed that in view of deficiencies in the 5 year housing land supply, it is appropriate to consider housing sites outside settlement limits, that are otherwise acceptable and sustainable. Area North Committee has previously allowed similar departures from policy including sites at Hayes End, South Petherton, and Water Street, Martock, and there have been several approvals on Appeal. There is therefore clear policy justification and precedent to approve this development.

2. Relationship with CN Unwin. Following the recommendations in the report prepared by Hepworth Acoustics, the Council's Environmental Protection Officer concluded that *"It has been demonstrated that noise reduction of 26dBA (or more) is quite achievable. Based on the noise report previously submitted, I believe this level of mitigation will be satisfactory to deal with existing noise levels, and also gives sufficient protection against potential future increases in noise from the adjoining industrial units, either at night or during the day."*

Specific reference was made at Committee to potential noise from the crash testing building at the CN Unwin premises. This building was approved in 2009 on the eastern side of the complex, closer to existing dwellings than the present application site. The acoustic report submitted with that application concluded that *"The operation within the proposed test facility will not affect the existing background noise levels at the nearest affected residential properties at Somerset Close."* SSDC's Environmental Protection Officer commented that *"I have studied the noise assessment and it would appear that the proposed building will have no impact on the local environment...."*

3. Density. The proposal at Lyndhurst Grove may be compared with other sites as follows:

Lyndhurst Grove (application proposal)	25.9/ha
Existing adjacent housing at Lyndhurst Grove & The Horseshoe	26.9/ha
22 homes at Hayes End, South Petherton	25.3/ha
52 homes at Kelways, Langport (residential areas only)	25.5/ha
35 homes at Water Street, Martock (excluding sports pavilion)	33.0/ha

It is also apparent from OS mapping evidence that much existing residential development in Martock is at a higher density than the current proposal, including areas around Old Market, Beech Road, Steppes Meadow and Bracey Road.

4. Highway improvements. The Highway Authority has not requested off-site works in connection with this proposal or indeed the proposal for up to 95 homes off Coat Road. There can therefore be no justification to require improvements to the Coat Road/North Street junction. The application will however complete the footpath on the North side of Coat Road which will provide safe pedestrian access to the village centre for existing and new residents.

5. Disposal of sewage. Wessex Water has confirmed that “*There is a public foul pumping station just beyond the eastern boundary of the site... The pumping station can accommodate the foul flows only from the proposed development although it is envisaged that further emergency storage will be required at the pumping station for which a development contribution will be sought.*” With regard to surface water drainage, the Environment Agency has now withdrawn its objection following submission of the Flood Risk Assessment from consultant engineers AJ Sands Ltd.

6. Waste Collection. The site layout plan was prepared to illustrate that a development of 35 homes can be achieved together with the necessary noise mitigation measures. It has no relevance otherwise. We are confident that an internal highway layout can be achieved to the required standard for waste collection including a circuit route if necessary.

Statement provided by agent 07/10/13

CONSIDERATIONS

The main issues are considered to be:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highways
- Planning Obligations

Principle of Development

It is accepted that the site is located outside the defined development area of Martock, where residential development is normally strictly controlled by local and national planning policies. However in a recent appeal decision in relation to a residential development at Verrington Hospital in Wincanton (11/02835/OUT) a planning inspector concluded that SSDC cannot demonstrate a deliverable 5-year land supply as required

by paragraph 47 of the National Planning Policy Framework (NPPF).

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle.

Secondly it acknowledges that the emerging local plan designates Martock as a Rural Centre capable of accommodating at least 124 additional dwellings up to 2028 (policy SS5, Proposed Submission of Local plan, June 2012). It is not proposed to allocate sites at this stage; rather it would be a case of responding to each proposal on its merits. This reflects the fact that Martock is a large village containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for residential development

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

On this basis it is considered that the principle of the residential development of this site is acceptable and the previous refusals of permission on the ground of the site's location are no longer sustainable. The application therefore falls to be determined on the basis of its impacts.

Visual Amenity

This site is considered to be visually 'self-contained' being a level site bounded by development on 2 sides and the raised former railway embankment to the north. It is accepted that there is open countryside to the west, however any views from this direction would see the proposed houses as an extension of the existing development in Lyndhurst Grove set against the back drop of the industrial site on slightly higher ground. As pointed out by the Landscape Architect, this position was acknowledged by the landscape peripheral study which identifies this as being within an area of land that has the potential to accommodate development.

On this basis, and subject to the agreement of a suitable design and appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with saved policies ST5, ST6 and EC3 and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity.

Residential Amenity

Subject to the consideration of the layout at reserved matters stage it is not considered

that the development of this site would give rise to any overlook or loss of light and privacy to any existing residents in Lyndhurst Grove.

The 18 existing properties along Lyndhurst Grove are set back from the road and, whilst residents are concerned about additional traffic, it is noted that the Transport Assessment anticipates that the development would generate up to 22 vehicle movements per hour at peak times (0800-0900 and 1700-1800). It is not considered that this level of traffic would be so detrimental to the amenities of residents in Lyndhurst Grove that permission should be refused.

There is concern about the proximity of the site to the industrial site and the potential for conflict over noise and disturbance. This could manifest itself in two ways. Firstly the amenity of future residents could be undermined and secondly the viability of businesses could be threatened by complaints about noise from the new residents. Such complaints would be considered by the Council's Environmental Protection Unit who would investigate and take any action necessary under environmental health legislation.

Both issues are material planning considerations – ST6 and the NPPF seek to provide a suitable standard of amenity for future occupiers of development and para. 123 of the NPPF advises that decisions should “recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”. Clearly local businesses are concerned that complaints from future occupiers might threaten the way they work and jeopardise future expansion plans. Such concerns are legitimised by para. 123 and have been considered carefully by the Council's environmental protection officers who have requested a noise assessment of the situation.

The submitted noise assessment concludes that:-

“noise levels at the site are generally of a low level, but that based on an assessment in line with BS 4142, an appropriate and commensurate scheme of noise mitigation measures should be incorporated into the scheme.....to ensure that the potential impact of noise from adjacent industrial noise sources is adequately controlled.”

This echoes the findings of Unwins noise report submitted in support of the test facility which assessed the impact on residential properties in Somerset Close which concluded that:-

“The operation within the proposed test facility will not affect the existing background noise levels at the nearest affected residential properties within Somerset Close.”

Those properties are c.24m from the test building with no intervening structures. The approval was conditioned to require the installation of the recommended noise mitigation measures and since then there have been no noise complaints.

The assessment submitted in support of the current application recommends the erection of a suitable noise barrier to the east boundary, a buffer zone between the barrier and the homes and plot specific mitigation measures e.g. acoustically attenuated trickle vents and high specification glazing. This has been considered in light of the representations made by the nearby businesses and the environmental protection unit have concluded that:-

“.....it is possible to achieve an acceptable noise environment for the proposed dwellings using the mitigation measures that are proposed.... [It] has been demonstrated that noise reduction of 26dBA (or more) is quite achievable. Based on the noise report previously submitted, I believe this level of mitigation will be satisfactory to deal with existing noise levels, and also gives sufficient protection against potential future increases in noise from the adjoining industrial units, either at night or during the day.”

Accordingly conditions are recommended to require a 20m buffer zone, the provision of an acoustic barrier and the agreement of sound insulation and noise mitigation measures for each dwelling.

It is noted that the test facility is approximately 70m from the current site with the main Unwins building between. Given the distances involved, the mitigation measures proposed and the findings/recommendations of 2 noise reports (both supported by the Council’s environmental protection officers) it is considered that the amenities of future residential occupiers would be safeguarded in accordance with policy ST6 and the existing businesses would be shielded from possible future complaints as required by paragraph 123 of the NPPF. Whilst local concerns are noted it is not considered that there is any evidence to justify over-riding the advice of the environmental protection officer.

Highways

Although there have been objections to any increased traffic in Lyndhurst Grove the highways authority do not consider the suggested increases (up to 22 vehicles per hours at peak times) to be objectionable or beyond the capacity of Lyndhurst Grove or its junction with Coat Road. Furthermore no issues have been identified with the capacity of the local highways network to accommodate additional traffic generated by the proposed development.

It is noted that junction improvements to the Coat Road/Station Road junction have been requested in connection with the proposed supermarket on the Paulls site. It is not considered that this modest development would generate such levels of traffic that those improvements should be required of this developer.

Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highways safety. As such the proposal complies with saved policies ST5, TP1 and TP4 of the local plan.

Parking provision and other matters of detail (footpaths etc.) would be assessed at the reserved matter stage and need not be conditioned at this stage as requested by the highways officer. A footpath link to North Street is requested and it is noted that there is currently only a short gap in the footpath between Lyndhurst Grove and North Street – approximately 40m to the front of ‘Elsper’ and ‘Meadow Way’ on the west side of The Horseshoe. Here there is a broad grass verge, in the ownership of the highway authority. The applicant is willing to provide this final piece of footpath as requested and this could be conditioned.

Planning Obligations

- Sport, Art and Leisure – a contribution of £171,565.30 (£4,901.87 per dwelling) to sought towards the increased demand for outdoor playing space, sport and recreation facilities

- Affordable Housing – whilst the housing officer requests 12 affordable houses this is an outline application with all matters reserved. Indicatively 35 dwellings are should, however the actual number would be finalised at the reserved matters stage. At this point the S106 agreement should oblige the developer to provide at least 35% of the dwellings as affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types.
- Travel Plan – the developer needs agree the content of the Travel Plan as part of a S.106 agreement.
- A monitoring fee of 20% of the application fee is sought

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Provide an appropriate Travel Plan
- Monitoring fee

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

Other Matters

Whilst local concerns have been raised about drainage, ecology, sewage capacity and the impact on local infrastructure such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare etc) have been identified in Martock by the local plan process and the emerging local plan indicates that at least 145 houses can be provided in Martock without significant adverse impact on the village's infrastructure. Indeed no critical infrastructure issues relevant to this development are identified by the Council's Report on Infrastructure Planning in South Somerset.

Objections to the indicative open space are noted, however on-site open space is a policy requirement and its provision can be fully considered at the reserved matters stage along with all other matters of detail. Whilst a full application might provide greater clarity there is no justification to demand one in this instance and residents will still have the opportunity to comment on these details at that stage.

Subject to achieving a satisfactory design and layout at the reserved matters stage there is no reason to assume that the resident's outlook will be unacceptably affected and in this instance any effect on property values is not a material consideration.

With regard to the issues raised by Committee in September the following observations are offered:-

It is not considered that the development would adversely impact on Unwin's operations. The principle source of noise is on the other side of their site and the Noise Assessment provided with their application demonstrates that there would be no conflict with properties in Somerset Close which is closer than the current application site.

The density of the proposal (assuming 35 houses) would be 25.9/ha. This is considered reasonable and compares well with the surrounding pattern of development (26.9/ha)

and other permission recently granted at Old Kelways (25.5/ha) and Water Street in Martock (33/ha). Full consideration of the density of development would come at the reserved matters stage.

Apart from the completion of the footpath on Coat Road, the highways authority do not consider off-site highways improvements to be necessary in Ash/Highway or elsewhere in Martock. It is not considered that there is any evidence to demonstrate that there are capacity or safety issues to justify insisting on such obligations.

Wessex Water have no objection to the proposal and have confirmed that they have no capacity issues within the system that could not be addressed through their normal connection criteria.

There is no reason to assume that a layout suitable for waste collection lorries could not be agreed at reserved matters stage. This would be a simple continuation to the existing cul-de-sac arrangement in Lyndhurst Grove which is currently served by refuse lorries without apparent problems. Somerset Waste Partnership has been consulted and has not objected.

Conclusion

Given the Council's lack of a five year housing land supply and the site's location adjacent to the settlement limits of Martock, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST7, ST10, EC3, EC8, EU4, TP1, TP2, TP4, 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.

RECOMMENDATION

That application reference 13/01500/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) Ensure that 12 of the residential units are affordable and remain so in perpetuity to the satisfaction of the Corporate Strategic Housing Manager
 - 2) Provide for a contribution of £171,565.30 (or £4,901.87 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 3) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the development Manager and fully implemented in accordance with the agreed details.
 - 4) Provide for a S106 monitoring based on 20% of the outline planning application

fee.

b) The following conditions:

Justification

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. Details of the 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. Prior to the commencement of the development hereby approved details of an acoustic barrier along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved such barrier shall be fully erected prior to the occupation of the dwellings and shall be maintained and not altered at all times thereafter without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

04. No dwelling shall be sited within 20m of the acoustic barrier referred to in condition 3.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

05. Prior to the commencement of the development hereby approved, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall ensure that noise from nearby sources will not cause detriment to amenity or a nuisance, to the proposed development. Once approved such scheme shall be fully implemented prior to the occupation of

the dwellings. Subsequently the scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

06. No development shall commence until a surface water drainage scheme for the site, in accordance with the submitted Flood Risk Assessment By Sands Ltd (reference 13.06.180 dated June 2013), 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.

07. 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.

08. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, 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 visual amenity and highway safety and to accord with saved Policy ST5 of the South Somerset Local Plan.

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

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

09. No dwelling hereby approved shall be occupied until a continuous footway link has been provided between Lyndhurst grove and North Street in accordance with design and specification to be agreed in writing by local planning authority.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the

South Somerset Local Plan (2006).

10. The site hereby approved for development shall be as shown on the submitted location plan 2023-PL-01 received 16 April 2013.

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

Informatives:

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
 02. You are reminded of the comments of the Council's Climate Change Officer dated 02/05/13 which is available on the council's web-site.
 03. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
 04. You are reminded of the contents of the Environment Agency's letter of 24/07/13 which is available on the council's web-site.
 05. You are reminded of the need to minimise the risk of harm to badgers that may pass through the site as recommended by paragraph 6.4.1 of the submitted Ecological assessment.
 06. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or even actual remains from the past industrial use, are found in the soil at any time when carrying out the approved development you should contact the Local Planning Authority to discuss any remediation is deemed necessary.
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