

Area North Committee – 23 October 2013

Officer Report On Planning Application: 13/02239/FUL

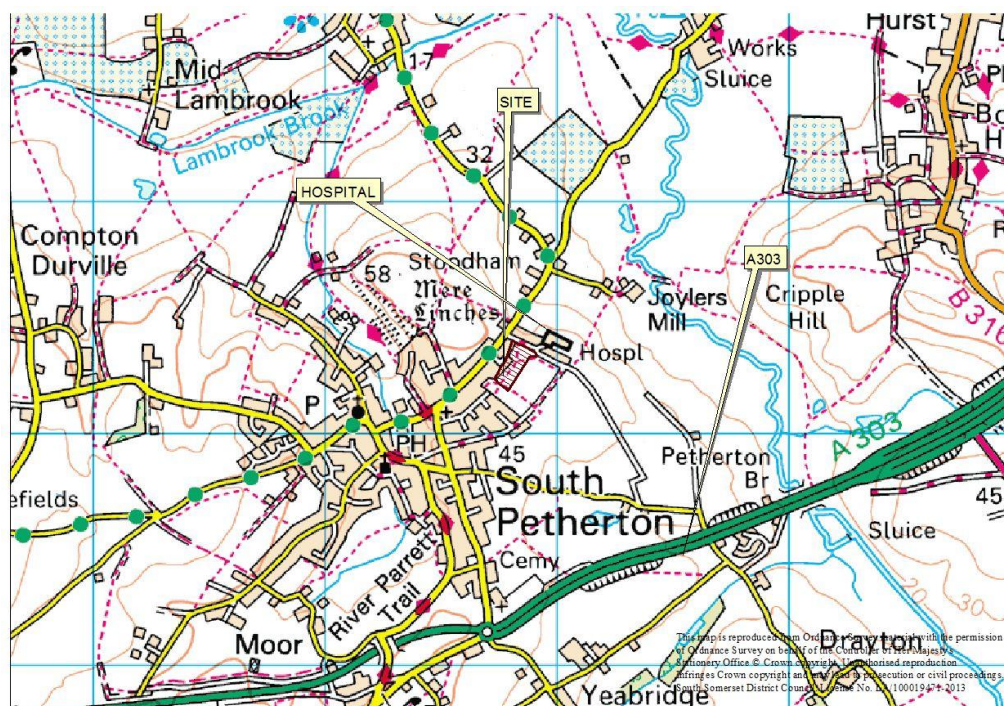
Proposal :	The erection of 49 No. dwellings (including 17 No. affordable homes), new vehicular access, public open space and associated works. (GR 343786/117219)
Site Address:	Land Os 7715 & 8129 Part, Hospital Lane, South Petherton
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	10th September 2013
Applicant :	Persimmon Homes (South West) Ltd
Agent: (no agent if blank)	Mrs Catherine Knee WYG Hawkridge House, Chelston Business Park Wellington, Somerset TA21 8YA
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

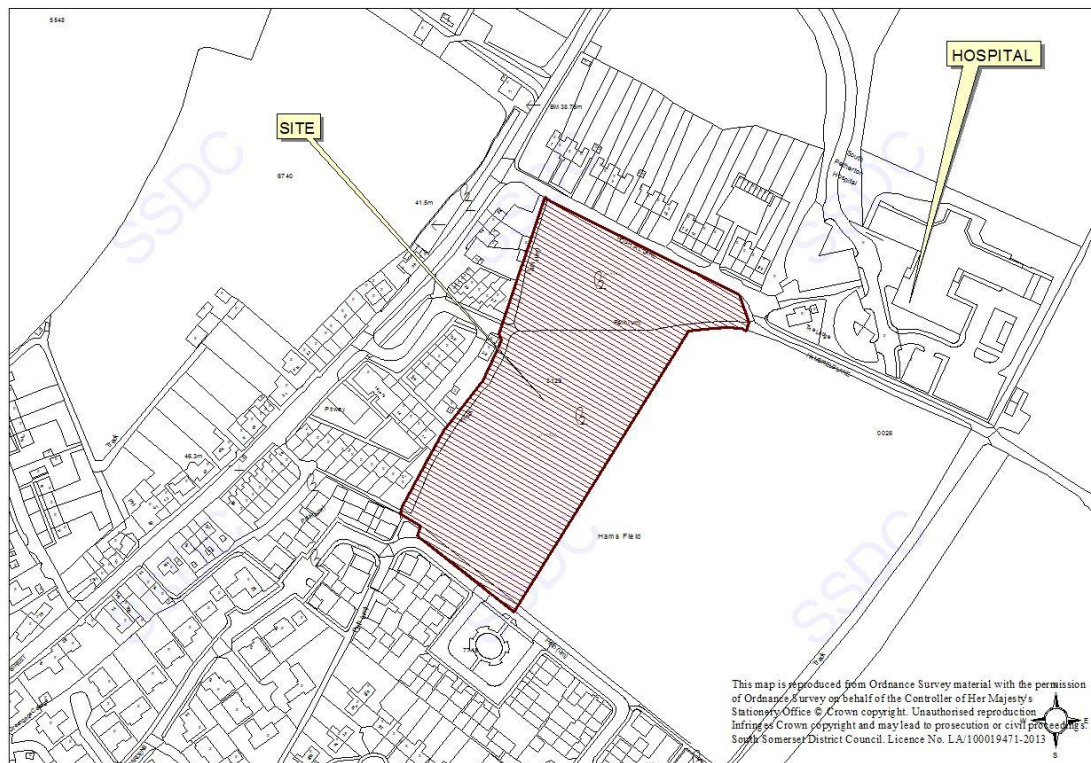
REASON FOR REFERRAL TO COMMITTEE

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.

Members will recall that the application was considered at their meeting on 25th September 2013 when the application was deferred to enable additional information to be sought from the County Education Department and the County Highway Authority.

SITE DESCRIPTION AND PROPOSAL





The application site is a rectangular shaped piece of agricultural land extending to 1.66 hectares situated to the north-east of the village of South Petherton. The site is crossed by two footpaths, one runs along the western boundary of the site, the other crosses the site from Pitway to Hamsfield Lane. The site is bounded by the residential area of St Michaels Gardens to the south, a recent development by Permission Homes; the site will be accessed from St Michaels Gardens. To the west is Pitway, a 1960's residential estate with Hospital Lane to the north-east and agricultural land to the east. The site is relatively flat, although it does fall away slightly towards Hospital Lane.

The application proposes the erection of 45 two storey dwellings and four flats in 2 storey blocks, along with garaging and an area of open space. There is a range of dwelling sizes from 1 bedroom flat to four bedroom houses. 17 of the dwellings will be affordable units and these are clustered to the northern part of the site. The dwellings are of simple design incorporating the use of brick (red and buff coloured), buff reconstituted stone and cream rendered elevations with both double Roman and plain tile roofs. An area of public open space is proposed on the south-eastern part of the site. The layout incorporates a main spine road running from St Michaels Gardens towards the Hospital Lane end of the site, this will link with smaller estate roads running along the top part of the site and along the western edge. The smaller roads also incorporate the Rights of Way. 122 car parking spaces are to be provided through the site.

The plans were amended to deal with issues raised by the Highway Authority and Rights of Way Officers. The plans show minor alterations to the highways layout including a separate footpath along the northern right of way. Additional supporting plans were also included to show visibility, swept path analysis (this indicates how larger vehicles are manoeuvre around the site) and location of visitor parking.

The application is supported by:-

- Design and Access Statement and Planning Statement
- Habitat Survey

- Heritage Assessment
- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Travel Plan
- Statement of Community Involvement
- Arboricultural Constraints Report
- Ground Conditions Report

RELEVANT HISTORY:

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

89/01741/OUT – Residential development of land and provision of a car park (outline). Refused 1989, subsequent appeal withdrawn.

78221/B – Development of land for residential purposes. Refused 1973.

78221 and 78221/A – Development of land for residential purposes and the formation of access. Refused 1966.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise. For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

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

ST3 - Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

TP1 - New Development and Pedestrian Movement

TP2 - Travel Plans

TP4 – New Residential Roads

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).

The Council currently only has a housing land supply of 4 years 10 months (as at March 2012). 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). 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 proposals.

CONSULTATIONS

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

- Overdevelopment of site
- Scale too large for the village infrastructure generally
- Inadequate school capacity, the Diocese will not move the Infants School that is already stretched.
- Concern that Rights of Way will not be honoured as was reported to be the case with existing Persimmon development that is expected to be the subject of Court Action from SCC
- Highways issues;
- The significant impact on road use noting that one access point would be inadequate for the volume of traffic generated
- Impact of volume on all local roads (inadequate bus service also noted)
- No pavement along Lightgate Road - this is seen as a major safety issue, particularly as a large proportion of occupants would be children.
- Capacity issues regarding Flood Water (including run-off from developed fields) and plan to deal with sewage (which is already an issue with existing conditions).'

In response to the amended plans, the Parish Council recommended refusal on the following grounds:

- Overdevelopment of site
- Scale too large for the village infrastructure generally

- Inadequate school capacity, the Diocese will not move the Infants School that is already stretched
- Concern that Rights of Way will not be honoured as was reported to be the case with the existing Persimmon development
- Highways issues:
 - The significant impact on road use noting that one access point would be inadequate for the volume of traffic generated
 - Impact of traffic volume on all local roads (inadequate bus service noted)
 - No pavement access along Lightgate Road - this is seen as a major safety issue, particularly as a large proportion of occupants would be children
 - Capacity issues regarding Flood Water (including run-off from developed fields) and plan to deal with sewage (which is already an issue with existing conditions)

With additional concerns:

- The application contravenes the existing Local Plan, whereby a revised Local Plan has yet to be adopted.
- Road safety issues on Lightgate Road, which is already hazardous with regard to previous road accidents.'
- The Parish have also forwarded three letters sent to them by local residents the concerns expressed in these letters are included under the 'Representations' part of this report.

County Highway Authority:- In relation to original plans expressed concerns regarding:-

- The detailed layout of the estate
- Levels of visitor parking
- Contents of Travel Plan
- Rights of Way issues
- Drainage

However, there were no objections raised to the proposed access or the levels of traffic generation.

A meeting was held between the developer and Highway Authority and as a result amended plans were submitted to deal with the issues raised. The Highway Authority have now advised that they have no objection to the application as amended and that the outstanding matters of detail can be dealt with by conditions, although it will be necessary for the Travel Plan to be included in the S106 Agreement for the site.

A number of conditions are recommended should planning permission be granted.

The Highway Authority has been asked for additional comments and these will be reported at the meeting.

Landscape Architect:- Originally expressed concerns regarding the layout, the treatment of the rights of way and proposed materials. Amended plans were submitted showing slight changes to the layout with additional planting and more red brick properties, as such, the Landscape Officer has advised he no longer objects to the application.

Planning Policy:- 'At this time it is considered that South Somerset does not have a 5 year land supply and accordingly policy ST3 (Development Areas) is considered to be

out of date (this relates to residential development only). In the absence of this policy the principles for sustainable development are as defined by the NPPF.

South Petherton is considered a sustainable location and has been identified within the Proposed Submission Local Plan as a Rural Centre and suitable for housing development. The site relates well to the existing settlement with the existing development limits running along 3 of the boundaries of the site. Therefore there is no policy objection to this proposal in relation to Policy ST3, however all other policy considerations will still apply.'

Housing:- Confirmed that the allocation of seventeen units meets the 35% requirement on the site. Housing has also requested that the affordable units be pepper potted throughout the site. There has been some discussion with the agent regarding the tenure of the affordable units but it has now been agreed that there will four will be affordable rent (the one bed units), seven will be social rent and six will be intermediate (shared ownership) units.

Community, Health and Leisure (SSDC):- Seeks a contribution of £193,800.45 (£3,955.11per 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:

- £96,012.83 to be used for local facilities.
- £56,927.62 to be used for strategic facilities.
- £38,941.19 as a commuted sum towards local services.
- £1,918.82 as the Community, Health and Leisure Service administration fee.

They recommend that £62,988.04 is required upon the occupation of the first 25% of the proposed dwellings, £73,884.80 is required upon the occupation of 50% of the proposed dwellings, and that the final £56,927.62 is required upon the occupation of 75% of the proposed dwellings.

County Education:- Advises that the local junior school is currently over capacity and this is expected to be the case of the foreseeable future. They advise that the development would require six junior school places, the cost per place being £12,257, giving a total contribution of £73,542. They advise that there is sufficient capacity at the local infants school and catchment secondary school.

Following the request from the Committee, the Corporate Planning Officer at County has advised that:-

'..we estimate the number of junior school places being required as follows:

30 places per 262 dwellings

Therefore; 49 dwellings / 262 x 30 = 5.6 (6) places

Each place 'costs' £12,257

6 x 12257 = £73,542.'

Environmental Protection:- Recommend a condition to assess the site for contamination.

Open Spaces Officer:- No objection to the application as the size of the proposed open space complies with policy.

Rights of Way Officer (SCC):- Objected to the original plans for the shared surfacing of the Right of way running along the northern part of the site. Have confirmed that subject to agreement with regard to margins; bollards at Pitway junction; and dedication of right of way as bridle path they have no objections to the revisions.

Have also requested that any s106 agreement includes provision for the upgrading of the footpath to a bridleway to enable use by cyclists.

Rights of Way Officer (SSDC):- Objected to the original plans for shared surfacing of road and public right of way. No response received in response to amended plans.

Ramblers (2 responses to original plans):- First response advises that an all weather pedestrian route from the village to the hospital/surgery would be greatly appreciated.

Second response:-

'The proposal that the existing footpaths become either a footpath/cycle route or a pavement at the side of an estate road is not an improvement and goes contrary to the Rights of Way Circular (1/09) "Guidance to Local Authorities" as supplied by David Shears. I quote

"In considering potential revisions to an existing right of way any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic"

Open Spaces Society:- Object strongly to original application on the grounds that Persimmon is trying to squeeze too many houses onto the site. As a result the transport/public access arrangements are completely unacceptable. They advise that there have been significant problems with a footpath on the existing St Michaels development due to action of Persimmon which is subject to legal action against the Highway Authority.

Object on the grounds the proposal will destroy proposed routes for investment agreed as part of new Hospital.

Object to the proposals for changing Public Right of way into 'multi-user routes' which will allow vehicles to share the route with pedestrians and cyclists. Advise that this goes against Government Policy and will create hazardous conditions for pedestrians and cyclists which could increase use of the car rather than support the sustainable travel plan of the NHS.

Ecologist (SSDC):- 'I'm satisfied with the extent of surveys and I generally agree with the conclusions of the Extended Phase 1 Habitat Survey Report (WYG Planning and Environment, 20 May 2013). This didn't identify any particularly significant issues and I haven't any further comments nor recommendations to make.'

Senior Historic Environment Officer (SCC):- 'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Environment Agency:- No objection subject to conditions/informatives.

Wessex Water:- Advise that the site will be served by separate systems of drainage constructed to current adoptable standards. They confirm that the draft drainage strategy outlined in the FRA is acceptable in principle. They ask that it be noted that surface water sewers which drain to soakaway systems are not normally adopted by Wessex Water.

Area Engineer:- 'In agreement to the surface water drainage proposals submitted.'

REPRESENTATIONS

Forty-six representations were received in response to the original and amended plans: two in support with forty-four responses objecting to the development and one making general representations. The supporting response makes the following comments:

- This is an excellent proposal that will bring much needed housing and affordable housing to this growing village.
- Suggest that Hospital Lane be widened and improved for increased traffic and access.
- Site should be carefully planned to a high aesthetic standard so as not to detract from its beautiful scenery.

The objectors make the following comments:

- Development impinges quite severely on neighbouring property.
- Ask for more information regarding the proposed roads and footpaths.
- Hope that layout is sympathetic to environs.
- Hedge at the side of the Lane should remain due to presence of wildlife.
- Concern that houses in Hospital Lane could be flooded as they are lower than the site.
- Seems to be a large number of houses for the site.
- Question if the schools can cope with extra children.
- There should be two means of access otherwise there will be additional traffic on St Michaels through the tight, blind 's' bend.
- No windows should overlook adjacent gardens.
- Concern about traffic and the fact that Lightgate Road has long stretches without any footpath, it is also narrow. Dangers will increase with increase in traffic.
- Refute the claims made in the Traffic Statement which is severely flawed; query distances and walking time data; concerned about use of local roads due for construction traffic; state of existing roads; lack of visibility; query traffic survey – local survey showed there were more movements; suggest alternative entrance preferably in the long term and for construction traffic.
- Site is outside of development area so there should be no question of housing development.
- There is no requirement for additional houses in South Petherton. There are 68 properties on the market at the present time of all sizes and prices.
- Although site was once allotments it is now a wildlife haven, areas for wildlife are too precious to build on.
- With the extra traffic the junction of St Michaels Gardens and Lightgate Road would become unacceptably dangerous and clogged at peak times.
- Building on this site will open the gate to development on the adjoining field.
- Planned houses have no sustainable energy requirements.
- Hedgerow has potential to be used by bats but does not mean it is a bat roost.

- On street parking near entrance could lead to congestion especially for large vehicles.
- Existing traffic calming is inadequate.
- Junction of St Michaels Gardens and Lightgate Road requires considerable care to negotiate.
- The application is a departure from the Local Plan. The Local Plan has been branded 'unsound' by a Planning Inspector. The overall housing provision for the region has been reduced from 20,000 to under 16,000. The five year land supply issue needs to be revisited. South Somerset is vulnerable to 'developer attack' until an application is refused and upheld at appeal.
- Query the provision of Junior School Places and how need is calculated.
- Share concerns of Open Spaces Society and Rights of Way Officer regarding the Public Right of way.
- Query the ability of the town to take additional traffic (details submitted as part of Proposed Submission South Somerset Local Plan 2006-2028) and query change in housing allocation to 94.
- Trust that monetary considerations (CIL) are not a prime consideration in the decisions on planning proposals.
- The letter of representation asks that there be a local connection criteria on the social housing as there are many people in the village that want to stay but cannot afford to rent privately or buy.

APPLICANTS CASE

The agents for the application provide the following comments in response to the reasons for deferral at the last meeting.

Education Contributions:- The Corporate Planning Manager for Education at Somerset County Council has confirmed the financial contributions sought (£73,542). No additional contributions are sought as there is existing capacity. The County Council have advised that the issue of new places at the junior school is not a matter for the head teacher but the remit of the Local Education Authority. On this basis the agent sees no reason for the Committee not to accept the requirements set out by Somerset County Council.

Highways Proposals:- The County Highway Authority has confirmed that they are satisfied with the details of the proposed access and have no objection to the proposals. The original comments of the County Highway Authority confirm that the impact upon the existing road network will be minimal. The proposed development will provide a number of alternative pedestrian routes to the village centre one of which has continuous footways.

Other issues raised:-

The County Highway Authority has confirmed that the layout can accommodate refuse vehicles.

There are 122 parking spaces with 3 visitor spaces, the County Highway Authority have confirmed they are satisfied with the levels of parking.

Wessex Water has confirmed that they are satisfied with the foul drainage proposals, any permission will be subject to a condition requiring submission of detail drainage proposals.

The agent considers that none of the issues raised during the meeting would result in an unacceptable development. Furthermore, they state that in light of the deficient 5 year land supply para 14 of the NPPF is relevant. This requires applications to be approved 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.' The agents do not consider that any adverse impacts have been identified and the benefits of delivering much need housing in a suitable and sustainable location are significant.

CONSIDERATIONS

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

Principle

It is accepted that the site is located outside the defined development area of South Petherton, 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 South Petherton as a Rural Centre capable of accommodating at least 78 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 South Petherton 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 should be accepted and the application determined on the basis of its impacts.

Highway Safety

The Highway Authority have confirmed that they have no objection to the amended plans and that whilst there remains some detailed matters outstanding these can be resolved through the imposition of planning conditions. Residents have expressed concern about the some parts of the Travel Plan/ Traffic Statement. It is clear, however, that the site is within acceptable walking distance of the majority of town centre facilities (shops, school, doctors surgery) and as such is considered to be a sustainable location for residential development.

The County Highway Authority have carried out a thorough assessment of the transport documentation and concluded that the proposed access is acceptable as is the impact upon local roads. As such, with the lack of an objection from the Highway Authority, it is not considered that this proposal could be refused on the basis of adverse impact upon highway safety. The proposal is therefore considered to accord with policies TP1 and TP2 of the South Somerset Local Plan (2006).

Residential Amenity

The site has one boundary with residential properties; the other boundaries are with St Michaels Gardens to the south, Hospital Lane to the north and an open field to the east. The northern boundary benefits from a very mature hedge. In terms of the properties to the west of the site, these will be separated from the development by a new road that will run along the existing right of way. As such, there will be adequate separation between the existing and proposed dwellings with the existing boundary treatments and proposed orientation of the new dwellings ensuring that there will be no direct overlooking of residential gardens. Consequently, it is considered that the proposed dwellings will not cause unacceptable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Landscape Impact/Design

The site is physically contained on three sides with a hedge along the eastern boundary. The proposed landscaping scheme includes proposals to improve the hedge and so provide a stronger visual break at the edge of the site. The site is relatively flat and with built development as a backdrop, it is not considered that the proposed development will be unduly obtrusive within the wider landscape. In terms of the immediate locality the proposal does involve the removal of some trees but none of the trees are considered to be worthy of retention and it is not considered that the loss of these trees could be resisted on the grounds of landscape impact.

The Landscape Officer has confirmed that he has no objection to the amended plans which include additional planting along the northern right of way.

In design terms, the proposed layout has resulted from the rights of way that pass through the site. The house types incorporate similar materials to the existing St Michaels development. The proposed dwellings are of simple design with focal buildings placed on the prominent corner sites within the estate. There is a mix of house types within the estate with houses both fronting onto the estate road and car parking at the front of the properties; the front parking is to be softened by areas of landscaping. It is considered that the proposed layout will provide for an attractive formal street scene along the main spine road with a more informal layout along the secondary internal roads. In terms of density the development equates to 29 homes per hectare which is very similar to that at the adjoining St Michaels development. In terms of garden sizes, all

properties have access to rear gardens which are considered to be of an acceptable size. As such the proposal is not considered to be overdevelopment of the site.

The proposal is there considered to accord with Policies ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

Planning Obligations

Play space, sport and recreation facilities

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £193,800.45 (£3,955.11 per dwelling).

Affordable Housing

The applicant has confirmed that seventeen of the forty-nine proposed properties will be affordable in accordance with policy HG7 (as amended) of the South Somerset Local Plan. The Housing Officer has also requested that the units should be 'pepper potted' throughout the site and that the units are developed to blend in with those proposed. However, there is no policy to require that affordable properties are distributed throughout developments. This issue was considered by an Inspector at a recent appeal decision in Chard who determined that in the absence of local plan policy it would be inappropriate to require that affordable units be 'pepper-potted' through a housing development.

Education

The development would generate the need for an additional six junior school places, and as the local junior school is currently over capacity a contribution will be required. The cost per place being £12,257, giving a total contribution of £73,542.

County Education has confirmed that there is capacity at the local infant school (ages 4 – 7) and secondary school (ages 11 – 16). However, due to the overcapacity at the junior school (ages 7 - 11) education contributions are required for junior school spaces.

Travel Plan

Due to the number of dwellings proposed the developer will be required to agree the content of the Travel Plan as part of s106 agreement.

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 17 of the residential units are of affordable tenure and remain so in perpetuity.
- Provide a contribution of £73,542 to provide an additional six junior school places.
- Provide an appropriate Travel Plan
- Ensure improvements to the rights of way to allow for use by cyclists.

Other Issues

Drainage/flood risk

The application is accompanied by a Flood Risk and Drainage Assessment this concludes that the site is Flood Zone 1, low risk, and hence suitable for all development according to the NPPF. It goes on to state that the site is not considered to be at significant risk of flooding from groundwater, surface water run off or artificial sources.

The application includes proposals for two new soakaway systems to be located in the new public open space. The surface water drainage network will be designed to accommodate site flows and attenuate for the 1 in 100 year return period event plus 30% allowance for climate change with no off site flooding. The Area Engineer has considered these plans and advised that he is in agreement with the surface water drainage proposals submitted. In terms of foul drainage, two networks are proposed for the site and Wessex Water has confirmed that it is acceptable in principle.

Open Space

Whilst the comments of the Open Spaces Society are noted, the proposed public open space is of an appropriate size (as calculated by the Open Spaces Officer). Furthermore, the Highways Authority is content with the highways implications and improvements have been made to the rights of way to ensure that a separate pedestrian footpath is provided along the northern right of way.

Wildlife

The Habitat Survey Report which accompanies the application advises that it is unlikely that any reptiles or dormice are present on the site. The only issues that were raised were the likelihood of bats using the thick hedgerow along the northern boundary and the need to protect nesting birds. The hedgerow is to be retained and it is considered that an informative can be attached to ensure that contractors be made aware of the need to contact an ecologist if evidence of protected wildlife is found.

Sustainable energy

The orientation of many of the properties will enable the use of solar panels on southern facing roof slopes. It is likely that this issue will be addressed at the Building Regulation stage when energy ratings will be applied to the dwellings.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, a screening opinion was submitted in December 2012 (12/04877/EIASS). The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment. It was determined that in this case an Environmental Impact Assessment was not required.

Conclusion

In light of the Council's lack of a five year land supply, this site and its location adjacent to a recognised development area mean that where other policy criteria are met then it can be considered sustainable development. It is considered that the impact on the landscape, residential amenity and highway safety will be acceptable. 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, 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

APPROVE planning application no. 13/02239/FUL subject to:-

- 1) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure the following;
 - a) The agreed contribution to off-site play provision (to the satisfaction of the Local Planning Authority):-
 - £96,012.83 to be used for local facilities.
 - £ 56,927.62 to be used for strategic facilities.
 - £ 38,941.19 as a commuted sum towards local services.
 - £1,918.82 as the Community, Health and Leisure Service administration fee;
 - b) To ensure that 17 of the residential units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan (to the satisfaction of the Local Planning Authority);
 - c) Contribution towards education of £73,542 to provide an additional six junior school places.
 - d) An appropriate Travel Plan
 - e) Improvements to and re-designation of Rights of Way
 - f) S106 Monitoring fee based on 20% of the planning fee paid.

and;

- 2) The following conditions:

Justification

Notwithstanding the local concerns, the provision of forty-nine houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety or visual amenity. As such the scheme is considered to comply with saved policies ST3, ST5, ST6, ST7, ST10, EC3, EC8, EU4, TP1, TP2, TP4, CR2, CR3, CR4 and HG7 of the South Somerset Local Plan 2006 and the aims and objectives of the NPPF.

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 4720A-P-S1; 1443-P-S2; 1504-P-S3; 0893-P-S1; 0950-P-S1; 0950-PS2; 0950-P-S31332-P-S2; 1443-P-S1, 1443-P-S3; 1504-P-S1; 2420-P-S1; 2420-P-S2; 3520-P-S1; 0600-P-S2; 0639-P-S1; and A079289[C]drg01 received June 2013.

- G-D-S1; G-S-S1; G-D-S3; 1760-P-S1; and A079289[D]drg08 received 10 July 2013.
- A079289_PS_A_04; A079289_PS_A_01; A079289_PS_A_03; and A079289_PS_A_02 received 10 July 2013
- A079289[D]drgD06 rev F; A079289[D]drgD07 rev D; 1210-PA-S1; L.01 rev F; and L.02 rev E received 13 September 2013.

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

3. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
 - a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. panels of brickwork and stonework shall be provided on site for inspection;
 - 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. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
 - e. details of meter cupboards and gas boxes;
 - f. internal floor levels of the buildings

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

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

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

Reason: To ensure satisfactory drainage at the site.

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

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

6. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

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

Reason: To protect controlled waters.

8. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Drawing No.'s L.01 Rev D and L.02 Rev C received 1 August 2013) 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.

Reason: In the interests of visual amenity and in accordance with Policy ST6 of the South Somerset Local Plan (2006).

9. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable

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

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

10. The development hereby permitted shall not be commenced until a scheme for the maintenance of the communal open space shown on the submitted plan has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully on the completion of that proportion of the total development specified in the scheme and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

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

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

12. 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).

13. The areas allocated for parking and turning on the submitted layout plan, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

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

14. Prior to the commencement of the development hereby approved details of the means restricting vehicular traffic between the site and Pitway shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented to the commencement of development.

Reason:- In the interests of highway safety and residential amenity in accordance with policies ST6 and ST5 of the South Somerset Local Plan (2006).

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

Reason: In the interests of residential amenity and highway safety in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006).

16. Prior to the commencement of the development hereby approved details of the phasing and timetable for the provision of all footpaths and cycleways shall be submitted to and approved in writing by the local planning authority. Once approved such time and delivery shall be adhered to unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure appropriate provision of cycle access within the site in accordance with Policy TP4 of the South Somerset Local Plan (2006).

17. Demolition or construction works or deliveries to the site shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

Informatives:

1. The applicants attention is drawn to the informatives and notes contained within the Highways Authority's letter of 12 August 2013 a copy of which is available on the Council's web-site.
2. The applicants attention is drawn to the informatives and notes contained within the Environment Agency's letter of 12 July 2013.
3. As noted in the Extended Phase 1 Habitat Survey Report (20 May 2013), site clearance workers should be made aware of the low potential for finding protected species such as reptiles, amphibians, hedgehogs or dormice during site clearance works. If any such species are found, works should cease while an ecologist is contacted for advice.
4. 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.