

Area North Committee – 23 October 2013

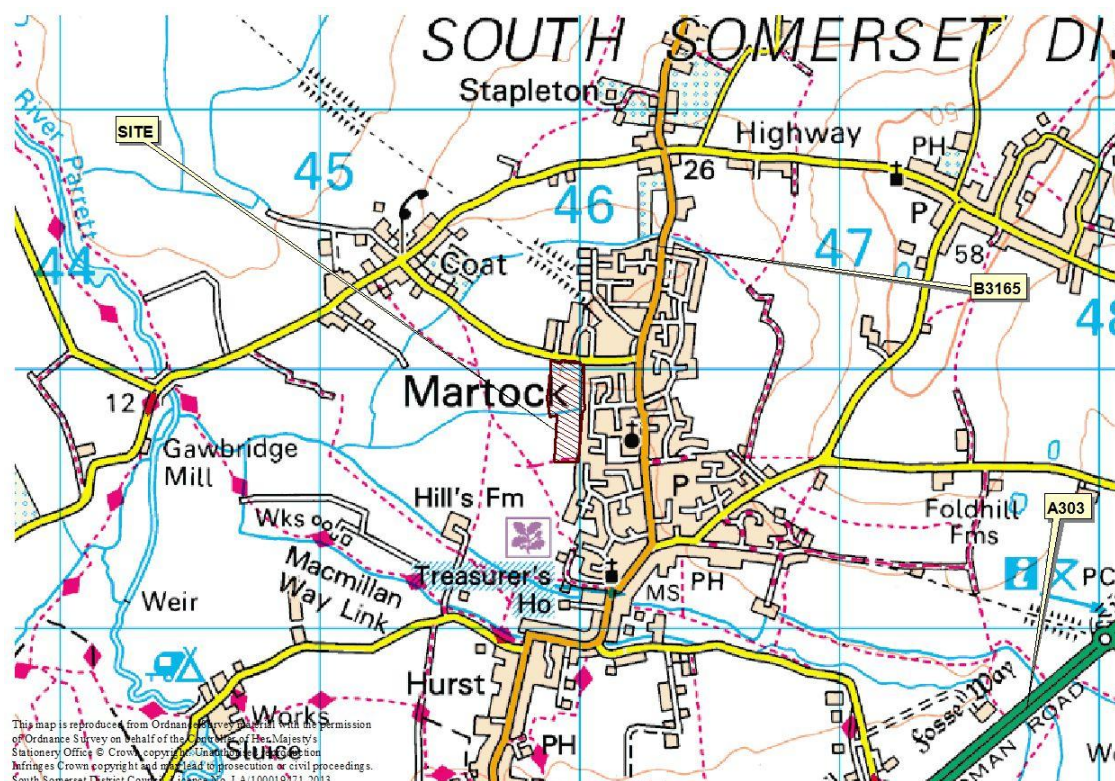
Officer Report On Planning Application: 13/02474/OUT

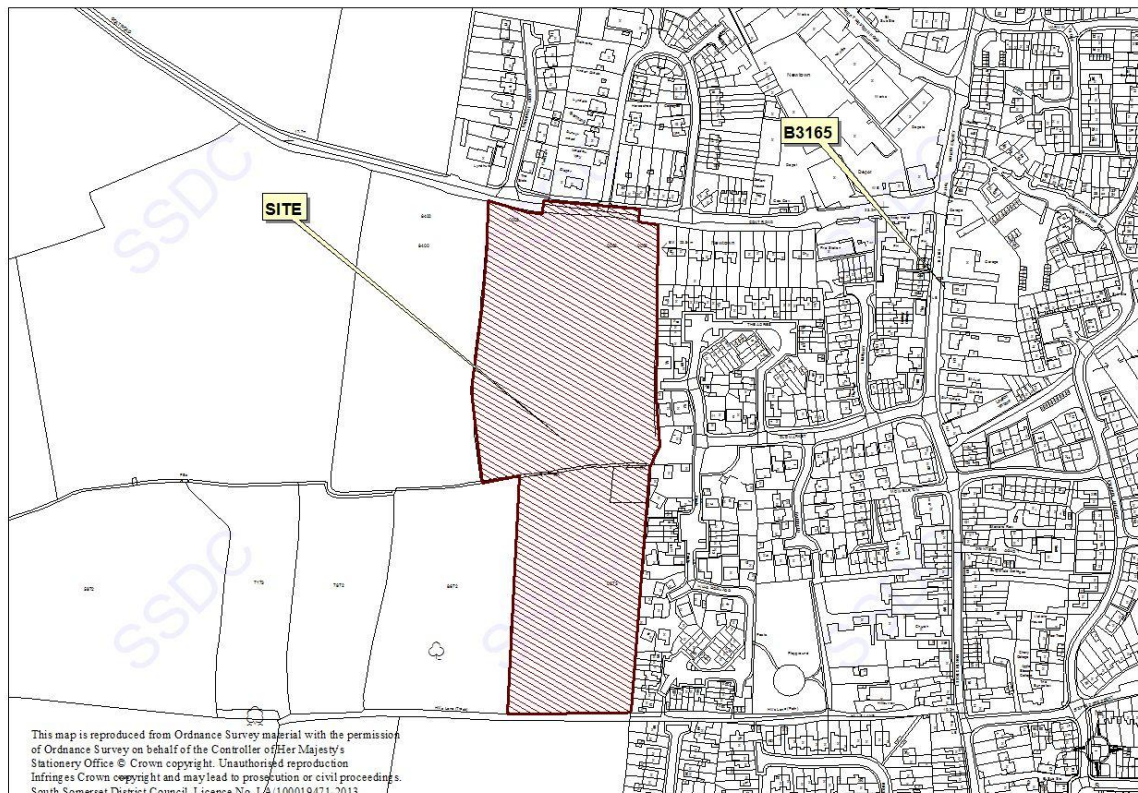
Proposal :	Outline application for the development of up to 95 dwellings with associated access and landscaping at land south of Coat Road, Martock. (access determined with all other detailed matters reserved) (GR:345958/1198750)
Site Address:	Land South Of Coat Road, Martock, Somerset
Parish:	Martock
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 :	19th September 2013
Applicant :	David Wilson Homes South West
Agent: (no agent if blank)	Mr Conor Flanagan, Tyndall House, 17 Whiteladies Road, Clifton, Bristol BS8 1PB
Application Type :	Major Dwlgns 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.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of up to 95 dwellings with associated access and landscaping. All matters are to be reserved with the exception of access. The site consists of two agricultural fields currently in arable use. The two fields slope gently towards a central dividing ditch and are bounded on all sides by hedges of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

It is proposed to provide vehicular access to the site through the northern boundary from the existing classified un-numbered highway known as Coat Road, with proposed pedestrian and cycle links to the restricted byway, known as Hills Lane, to the South of the site. Additionally, the layout shows a possible pedestrian and cycle link to the highway known as The Acres to the East of the site.

The indicative layout shows the retention of much of the existing hedgerow surrounding the site. The layout shows a central area of open space either side of the existing ditch traversing the site, containing surface water attenuation areas and equipped play space. The layout shows a central spine road from the proposed access to the north to the south of the site, with side roads branching to the east and west.

The application is supported by:

- Design and Access Statement
- Arboricultural Constraints Report
- Ecological Survey
- Statement of Community Involvement
- Sustainability Statement
- Planning Statement
- Affordable Housing Statement
- Great Crested Newt Survey

- Heritage Desk-Based Assessment
- Travel Plan
- Transport Assessment
- Flood Risk Assessment
- Landscape and Visual Appraisal
- Various indicative plans

HISTORY

None relevant

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.

The policies of most relevance to the proposal are:

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

ST1 - Rural Centres

ST3 - Development Area

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

CR4 - Amenity Open Space

HG7 - Affordable Housing

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest.

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 - Recommends refusal for the following reasons:

- Will create significant requirement for extra school and pre-school places, which may not be available
- Increased pressure on surgery/pharmacist/dentist etc
- Potential land drainage issues (recent and past flood experience) so potential increase in flood risk
- Significant (potentially an additional 150+ cars) adverse impact and pressure on existing through/access roads, which could be exacerbated upon arrival of Tesco.
- Estate access/exit to/from Coat Road will become a potential hazard
- Will create potential disruption to wildlife habitat (and ecological balance)
- Detrimental impact & increased pressure on social amenities and community resources
- Potential detrimental impact on surrounding houses (noise/privacy/value)
- Creates no direct employment opportunity
- Will increase the pressure on parking within centre (e.g. the precinct in particular).
- Only satisfies one full and one part of fourteen objectives in SSDC Sustainability Appraisal.
- Some units are more than two storey (2.5 & 3). Three storey design is considered as being intrusive & does not fit in well with general character of property within the parish. This is therefore one of the appraisal criteria included in the Martock Sustainable Plan (approved by MPC on 31/07/13).
- Estate may evolve into something even less sustainable
- Potential increase in crime
- Can become an isolated enclave (self contained rather than part of the community)
- Reduction of land available for locally produced food products
- Members concluded that the number of units proposed is far in excess of the maximum number that would be sustainable at this location (and even more so if

Lyndhurst Grove application is approved). It is also far in excess of the figure of 40 specified as a default 'cap' included in the Martock Sustainable Development Plan (adopted by MPC on 31/07/13).

Ash Parish Council - Expresses a concern that Ash would be affected by the development and are concerned regarding the increased traffic through Ash that the proposal would create.

County Highway Authority - Notes that the site lies outside the defined development area of Martock, but leaves it up to the LPA to determine whether or not the development accords with the NPPF sustainability criteria. Notes the proposal to form an access onto Coat Road and concludes that this is acceptable subject to suitably worded condition requiring the new junction to be substantially complete before work commences on site, and the road being constructed to adoptable standards. He notes the submitted Traffic Assessment (TA) and the draft Travel Plan (TP). He states that both reports have been examined and concludes in the case of the TA that the highway authority are satisfied there are no traffic impact grounds for a recommendation for refusal. He identifies several minor issues with the draft TP. On the basis that the outstanding issues with the TP are addressed he raises no objection to the scheme subject to the imposition of several conditions being attached to any consent.

In answer to queries regarding whether highway works required in connection with a nearby supermarket where reasonably required in relation to the proposed housing development, he concluded that it would be neither reasonable nor relevant to require similar works in connection with the current scheme.

SSDC Climate Change Officer - Objects to the outline application as it currently stands because there is no comment on the provision for renewable energy generation equipment or how the code for sustainable homes level 4 will be met. He states that he would be pleased to lift his objection following a broad explanation of how the use of renewable energy will enable compliance with policy EQ1 of the emerging Local Plan.

SSDC Housing Officer - Would expect 33 affordable units with 22 as social rented and 11 as shared ownership or other intermediate solutions. She expects the affordable units to be pepper potted throughout the site and suggests that the units are developed to blend in with the proposed. Any one bedroom units should be houses or have the appearance of houses. There should be dialogue regarding the housing property mix based on the current needs of Martock.

Natural England - Does not object to the application as proposed development would be unlikely to affect bats and great crested newts. They note presence of oak tree on site with potential for roosting bats, and state that should the removal or other works to this feature become necessary, then the applicant should be aware that further surveys should be undertaken. They support the recommendations made regarding badgers in the submitted ecological survey. They note the duties of the LPA to consider any impacts on local wildlife sites and the potential for biodiversity and landscape enhancements.

SSDC Environmental Protection Unit - No observations

SSDC Trees - States that the modestly sized trees within the hedgerows and the hedgerows themselves are worth of simple protection measures, which can be included with a standard landscape condition. He states that the site has minimal arboricultural constraints and defers to the comments of the SSDC Landscape Architect.

SSDC Area Engineer - Notes that the development is in the drainage boards area and

that their views should be sought. Notes the contents of the submitted flood risk assessment and states the set out strategy is generally acceptable. States that drainage details will need to be submitted for approval, which should also indicate future management arrangements.

SSDC Open Spaces Officer - No objections

SSDC Planning Policy - Notes that South Somerset does not have a five year land supply at this time and accordingly policy ST3 is considered to be out of date as it relates to residential development. In the absence of this policy the principles for sustainable development are defined by the NPPF.

She notes that Martock is considered a sustainable location and has been identified as Rural Centre in the draft Local Plan and suitable for residential development. She notes that the site relates well to the existing settlement and concludes that there is no policy objection to the proposal in relation to policy ST3. She states that all other policy considerations will still apply.

Parrett Drainage Board - No objection subject to a condition requiring the submission of details of the drainage proposals and an informative regarding the need for Land Drainage Consent. They note that while they are not objecting they feel that the surface water strategy together with future liabilities and responsibilities should be presented in a document to avoid future confusion. They also note that access to the central watercourse of the site for the board must not be impeded by the development. They state that should current operational practices need to be amended or changed in any way as a result of the development the additional costs must be borne by the developer.

SSDC Landscape Architect - Notes the peripheral landscape study of Martock carried out in 2008, and that the application sites was evaluated as one having capacity for development. Therefore against the backdrop of a housing need for Martock, he advises that there is no landscape issue with principle of development of this site for housing. He notes the submitted landscape and visual impact assessment and concludes that he is generally supportive of the arrangement indicated. He goes on to make a number of suggestions to assist in the evolution of the urban design:

- a) Agrees with proposed materials but advises steering clear of light renders, which do not characterise Martock.
- b) Notes that he is wary of the proposal to place 3-storey buildings alongside the western boundary and suggests heights are graded down towards this edge.
- c) Housing and garden areas should be kept separate from the west boundary hedge with management access integrated into the layout.
- d) The sensitive design of the water attenuation features will be critical to the success of the central open space, including avoidance of over-engineered features, sensitive grading of water retention areas, and appropriate landscaping to soften impact.

He recommends the use of conditions on any permission to control the following:

- 1) A detailed landscape proposal,
- 2) A tree and hedge protection plan to BS5837, and
- 3) A design guide to be submitted for approval prior to any reserved matters application.

SSDC Community, Health and Leisure - Requests the following contributions are sought in line with policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan, policy HW1 of the emerging local plan and paragraphs 203-206 of the NPPF:

- Local facilities £261, 389.81
- Strategic facilities £113, 485.23
- Commuted sums £86, 191.54
- Community, Health and Leisure Service administration fee £4, 610.67

SCC Archaeology - Following the requested archaeological survey, they note the presence of two significant concentrations of archaeological features present at the two ends of the site. The features are indicative of settlement activity, which may be Iron Age in date. As such they recommend that the developer is required to archaeologically excavate the heritage asset and provide a report as to any discoveries in accordance with the NPPF. They suggest that this can be achieved through the imposition of the following condition on any permission issued:

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

Avon and Somerset Constabulary Architectural Liaison - No response received.

SCC Education - It is noted that a development of 95 dwellings would be expected to require 19 primary school places. He notes the small number of places currently available at the local primary school, but states these would not be sufficient and the roll is forecast to increase through demographic factors alone over the next few years to the point that capacity is exceeded without taking into account new development. He concludes that at £12,257 for each new primary school place a total contribution of £232,883 would need to be secured through a Section 106 agreement. He also notes that Martock is short of pre-school places. Three places would be required to meet the need arising from the development and, with capital cost of £12,257 per place, an additional £36,771 should be sought from the developer.

Environment Agency - No objection subject to the imposition of certain conditions and informatives being imposed on any permission issued.

SSDC Ecologist - He notes the Ecological Survey carried out and submitted with application and generally agrees with its conclusion. He recommends that the issue of the presence of a badger sett on site is subject to further update survey, impact assessment, and mitigation proposal as appropriate to accompany any future reserved matters application. He raises no objection to the current scheme.

Somerset Wildlife Trust - Notes the various ecological reports submitted with the application. States they support the outcome of the reports and in particular the recommended enhancements. They also requests the existing pond should be carefully cleaned and refurbished, existing hedgerows gaps should be replanted and additional native tree planting carried out on site to create wildlife corridors. Buffer strips should be created along the edges of the development and any external lighting should be designed to minimise impact. Residents should be warned of possible badger activity in the area. They ask that these proposals are incorporated into the planning conditions.

SCC Rights of Way - Confirms presence of a restricted byway abutting the proposed development. Welcomes proposed links onto the existing byway, but notes that these

should be discussed with the Rights of Way Team. They state that no works should encroach on the width of the byway. They note the rules and regulations surrounding the use of a restricted byway. They also note the circumstances in which authorisation for the proposed works must be sought from the SCC Rights of Way Group, and when a temporary closure order may need to be obtained.

SSDC Rights of Way - Supports link to byway (as SCC Rights of Way)

Wessex Water - They note limited capacity of the existing sewerage network. They also note proposed surface water drainage system into ponds with an overflow into the watercourse. They state that ponds are not adopted by Wessex Water. They raise no objections but request the imposition of the following condition on any permission issued:

"The development shall not be commenced until a foul and surface water drainage strategy is submitted and approved in writing by the local Planning Authority and Wessex Water. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority."

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property."

They also note that the local water supply networks adjacent to the site have limited capacity. They state that network modelling will be required to determine the nature and scope of off-site reinforcement required to ensure acceptable levels of pressure are available.

After a request for further information they were able to confirm that they accept the LPA cannot require financial contributions and state that the above mentioned condition would be adequate to protect their interests. They state that they would normally resolve a financial contribution through the Water industry Act 1991.

REPRESENTATIONS

50 letters of objection have been received. 36 were from the occupiers of properties in Martock. 1 was a letter signed by the occupants of 12 separate properties in Martock. 8 were from the occupiers of properties in Ash. 3 were from the occupiers of properties in Coat. 2 were signed, but gave no address.

Objections were raised on the following grounds:

Principle of Development:

- The proposed number of houses is excessive. The number of houses would be better distributed around Martock not confined to single specific area.
- Local facilities/services (shops, chemist, GP surgery, dentist, school, etc.) are already overloaded. This development will exacerbate the situation.
- Martock should not be allowed to expand onto surrounding green field areas, as this would set insidious precedent certain to undermine rural life.
- The site is not allocated in the local plan or the parish plan and therefore has not been afforded proper consideration.
- A proposal for 95 houses is far in excess of the recommended growth rate detailed in the emerging Local Plan.
- There are already plenty of houses for sale. More are not required.
- There are limited employment opportunities in Martock so new residents will need

to travel to work.

- The proposal is contrary to the NPPF in that it will not improve conditions in which people live, work, travel and take leisure contrary to paragraph 9.
- We should wait for the local plan to be defined and allow elected officials to judge whether the proposal meets the requirements of the plan.
- The site is outside the development boundary and there has been no change to planning policy to suggest that the boundaries should be relaxed.
- The proposal is contrary to policy ST5 of the 2006 local plan in all respects.
- Loss of productive green land is not acceptable, especially when the houses are not needed. Brownfield land should be developed as a priority.
- The proposal should be considered in junction with all recent and upcoming developments in and around Martock, not in isolation.
- Martock should not be allowed to become a 'dormitory' town for Yeovil.
- The proposal would merge the hamlet of Coat with Martock.

Highways:

- The access is to be sited on a narrow part of the road, would be better sited opposite an existing junction not a house.
- Extra cars using Coat Road will make it not fit for purpose, particularly with parked cars making the road narrower.
- North Street, Main Street (Ash) and the B3165 (through Bower Hinton) are already narrow and congested, with scant off road parking for residents and narrow pavements. Often some routes are closed due to flooding forcing traffic onto the others. This development would exacerbate the situation.
- The existing traffic problems will already be exacerbated by the Tesco supermarket approval in Coat Road and the residential development at Water Street.
- Concern raised over the traffic survey conducted as part of the approval process for Tesco.
- Ash needs a By Pass not more houses and Tesco's.
- Increased traffic flow using the junction of Coat Road with the B3165 is unacceptable, as it is already problematic.
- A 1998 proposal to build on the site by Bellway Homes was rejected for traffic reasons, and traffic has increased since then through The Railway Inn being converted into flats, two small developments along Coat Road, the Paull's estate and soon Tesco.
- Any new development should be to the east of Martock to avoid increased traffic on North Street.
- The possibility of up to 200 more cars using local roads has implications on road safety and noise pollution.
- Extra traffic along the main roads of Martock is going to compromise the speed and efficiency with which the emergency services can get through the village.
- The submitted traffic survey is flawed in terms of the validity of the data collected and the choice of the selected model.
- Anybody developing to the North of Martock should be required to fund an access road by passing the villages.
- Proposed Travel Plan is unrealistic and unlikely to work to reduce reliance on the private motorcar.
- Local public transport services are minimal, have recently been cut and may be cut further.

Residential Amenity:

- Any three (or more) storey houses could overlook or have an overbearing impact

on the objector's bungalow opposite, or objectors properties along Coat Road or The Acres.

- The objector's property opposite the proposed access will be adversely impacted through access difficulties and night time light and noise disturbance. Particular as objector's property is a bungalow and car lights would shine directly into bedroom windows.
- Indicative plans indicate a high density of development on the land adjacent to The Acres. Without a green buffer there will be a loss of privacy and personal space.
- Any units over two stories would restrict light and outlook to residents of The Acres/Hills Orchard.

Visual Amenity:

- The proposed houses are in an area of outstanding beauty and historical importance.
- Any units over two stories would be out of keeping with current developments.
- A large housing development will be an intrusion into the beautiful countryside.
- The Martock conservation area will impact in terms of its setting within an area of farmland.
- Suggestion that development could be pushed further into surrounding countryside to enable a more spacious development.
- Village character should be retained.
- The proposal would disturb the linear character of the village

Other Matters:

- Sewage is a problem on Coat Road and Lyndhurst. Concern that this will not be dealt with adequately in the new development.
- Private views of countryside would be lost, thereby devaluing property and making such properties less saleable even at reduced value.
- The site regularly floods in the winter, which will be exacerbated by the proposed development potentially causing problems for existing properties and any new properties.
- The current proposal provides no advantage to Martock and its potential new residents.
- Previous reasons for the rejection of development on this land still apply.
- There will be an impact on ecological biodiversity using the site, including badgers, hedgehogs, otters, water voles, great crested newts, slow worms, roman snails, deer, foxes, bats, and many bird species. The proposal is therefore contrary to the NPPF, legislation, and government circulars.
- There could be a potential increase in crime, which Avon and Somerset Police may not be able to manage given that a police officer is never seen in Martock.
- The existing play area already causes problems with anti-social behaviour. A new play area will suffer from similar problems and will cause some people to suffer from both sides feeling uncomfortable and sometimes unsafe in their own homes.
- The developers have duplicitous in their approach to the development, in particular in regard to the community consultation and the presentation of the resulting data.
- Proposed timber based apparatus for play area is well intentioned but impractical due to potential for vandal damage.
- The site of archaeological interest as evidenced by the initial response of the County Archaeologist. No development should be allowed to proceed until further evaluation has been carried out to the satisfaction of the County Archaeologist.

- No work has been carried out to assess the impact of previous developments on Martock, because facts, rather than suppositions, do not support the developer's case.
- Attention needs to be paid landscaping and protection measures for any new flood attenuation tanks.
- The submitted plans are 'sketchy' and do not give a true impression of the proposed development.
- There is a potential for unauthorised motor vehicle access along the Hills Lane public right of way.

APPLICANT'S CASE

"...the proposal will create sustainable development in the context of the Framework. The proposal is in general accordance with the Development Plan (and the parts of it which can be afforded weight) and there are no planning policies, environmental constraints or other material considerations that indicate the proposed development should be restricted.

The need to provide a sufficient supply of housing land is also a significant material consideration and the fact the authority does not have a five year supply means that policies relevant to housing land supply are out of date. Consequently, the application should be approved in accordance with paragraph 14 of Framework.

The proposal achieves sustainable development, addressing positively many of the aims and objectives of the adopted and emerging local Plan and the national framework and is general compliance [sic] with relevant planning policy. The proposal will also deliver significant economic and social benefits.

We conclude that in accordance with the presumption in favour of sustainable development (paragraph 14 of Framework), the application should be approved."

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Flooding and Drainage
- Sewerage and Water Supply
- Highways
- Visual Amenity and Density
- Residential Amenity
- Archaeology
- Ecology
- Planning Obligations
- Trees
- Infrastructure and Facilities

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, and notwithstanding the various objections from the parish council and neighbouring occupiers in relation to principle, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts. It is considered that the proposal would not set any kind of undesirable precedent. All other matters regarding the principle of the development raised by the parish council and neighbouring occupiers have been considered, but are not considered to outweigh the considerations outlined above.

Flooding and Drainage

The Environment Agency, the Parrett Drainage Board, and the SSDC Area Engineer have been consulted as to the potential flooding impacts of the development and the proposed surface water drainage scheme. They are all content with the principle of the scheme, subject to the imposition of various conditions and informatives on any permission granted. The site is located within the Environment Agency flood zone 1 and is therefore not considered to be an area at risk of flooding. Therefore, notwithstanding the concerns of the parish council and neighbouring occupiers, and subject to the imposition of suitable conditions on any permission issued, it is considered that the proposed development would not increase the risk of flooding to existing properties in accordance with the aims and objectives of the NPPF and the local plan. The drainage

proposals are considered to be adequate subject to a condition to secure further details.

Sewerage and Water Supply

Concerns have been raised regarding the adequacy of the local sewerage and water supply network. Wessex Water has indicated that there are capacity issues in relation to both these matters in the locality. However, they are content that these issues can be adequately controlled through the imposition of a suitable condition on any permission issued, and that financial contributions can be secured using the Water Industry Act 1991.

Highways

A large number of concerns have been raised by neighbouring occupiers, and Martock and Ash parish councils regarding the potential impact of the proposed development on the surrounding highway network. In particular concern has been raised about the volume of traffic the scheme will generate and the various impacts this extra traffic will have. The county highway authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment, and taking into account the nearby potential developments of residential development at Lyndhurst Grove and a proposed supermarket at the nearby builder's merchant site. They have concluded that there are no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

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.

The highways officer has raised some minor concerns with the proposed Travel Plan. The applicant has produced a revised version in order to address these concerns. At the time of writing the Highway Authority has not commented on the revised version of the Travel Plan. However, it is not considered that these concerns should constrain the development, as any further revisions considered necessary can be secured as part of any legal agreement negotiations in the event that permission is granted.

Visual Amenity and Density

Concerns have been raised by neighbouring occupiers and the parish council regarding the impact of the proposal on the character of the area, the setting of the nearby conservation area, and the wider landscape character. The SSDC Landscape Architect was consulted as to the visual impacts of the scheme. He noted that the application site was evaluated as having capacity for development in the peripheral landscape study of Martock carried out in 2008, and concluded that there is no landscape issue with the principle of developing the site for housing. The site is visually well contained by existing hedgerows and any development would not be unduly prominent on the wider landscape. A number of the concerns raised by neighbouring occupiers relate to specific design details, and the landscape architect has suggested a variety of measures to assist in the evolution of the urban design. These matters are not appropriate for consideration at this outline stage and should be considered as part of any reserved

matters application. A specific concern has been raised that the proposed development will close the existing gap between the settlements of Martock and Coat. However, due to the extent of development on the other side of the road to the application site, it is not considered that the proposed development would bring the built form of Martock any closer to Coat than the existing situation.

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. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect as to the visual impacts of the scheme.

The proposed development is for up to 95 dwellings with a total site area of 4.57 hectares. This gives a site wide density of 20.78 dwellings per hectare. If the approximately 0.95 hectares of on-site open space shown on the indicative plans is removed from the equation, then the housing density would be 26.24 dwellings per hectare. Either way this is considered to be a low density of development when compared to neighbouring development. At 'The Acres' the density is approximately 38 houses per hectare, whilst at 'Hills Orchard' the density is approximately 32.5 houses per hectare. It is also noted that the recently approved development at Water Street in Martock has a proposed density of 33 dwellings per hectare.

Residential Amenity

The occupiers of a single storey property in Coat Road have raised a specific concern regarding the impact of the proposed new access on their residential amenity. Their property is sited directly opposite the proposed new access into the site from Coat Road. They are concerned about the potential for disturbance to their property from the traffic using the new access, through night time light and noise disturbance. They are particularly concerned as their property is a bungalow and car lights would shine directly into their bedroom windows. This is of course a legitimate concern and a material consideration in the determination of the application. However, whilst it will undoubtedly have some impact on their residential amenity, it is not considered that the impact would be significant enough to warrant refusal of the scheme.

Concerns have been raised by the occupiers of properties in The Acres, Hills Orchard and Coat Road regarding the potential impacts of the development on their residential amenity by way of overlooking and overbearing. However, 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 overlooking or loss of light and privacy to any existing residents in these areas.

It can therefore be concluded that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with policy ST6 of the South Somerset Local Plan.

Archaeology

The county archaeologist was consulted as to the impacts of the development on any archaeology in the area. They initially raised concerns and requested that further survey work was carried out. This was an area of concern raised by the occupier of a neighbouring property. Following the requested archaeological survey, the county archaeologist noted the presence of two significant concentrations of archaeological

features present at the two ends of the site. They stated that the features are indicative of settlement activity, which may be Iron Age in date. As such they recommended that the developer be required to archaeologically excavate the heritage asset and provide a report as to any discoveries in accordance with the NPPF. They suggested that this can be achieved through the imposition of a suitable condition on any permission issued.

It is therefore considered that, although there are archaeological remains on the site, they should not constrain the proposed development subject to a suitable programme of archaeological work being carried out by the developer in accordance with aims and objectives of the NPPF and policy EH12 of the South Somerset Local Plan.

Ecology

A large number of concerns were submitted by neighbouring occupiers and supported by the comments of the parish council in relation to the impact of the proposal on local ecology. Natural England, the SSDC Ecologist, and the SSDC Wildlife Trust all made comments in relation to this aspect. All three support the findings of the submitted ecological reports and none raise any concerns regarding the principle of the development. All refer to specific improvements that can be incorporated into the design of the scheme, but these are considered to be matters best dealt with as part of any reserved matters application. As such, notwithstanding the concerns raised, the proposal is considered not to have an impact on local ecology or protected species significant enough to warrant refusal of the scheme in accordance with policy EC8 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Planning Obligations

- Sport, Art and Leisure - a contribution of £465,677.25 (£4,901.87 per dwelling) was originally sought towards the increased demand for outdoor playing space, sport and recreation facilities. However, the applicant's agent has indicated that they will provide a play area on site and maintain it through a management company. The sum sought should therefore be reduced to £335,464.10 and the legal agreement should require the provision of play equipment and its on-going maintenance through a management company.
- Affordable Housing - whilst the housing officer requests 33 affordable houses this is an outline application with all matters reserved. The application seeks permission for up to 95 houses, 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 to agree the content of the Travel Plan as part of a S.106 agreement.
- Education - A contribution of £232,883 towards primary school places and £36,771 towards pre-school places is sought towards the shortage of places that the proposed development would generate.
- 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.
- Secure the agreed contribution towards education.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Provide an appropriate Travel Plan.
- Secure the agreed 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.

Trees

The SSDC Tree Officer was consulted as to any impact on onsite or nearby trees. He stated that the modestly sized trees within the hedgerows and the hedgerows themselves are worth of simple protection measures, which can be included with a standard landscape condition. He stated that the site has minimal arboricultural constraints and deferred to the comments of the SSDC Landscape Architect.

Infrastructure and Facilities

A number of concerns have been raised regarding whether Martock has the necessary infrastructure and facilities to cope with the proposed development. However 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. As discussed above a contribution towards education provision has been sought and agreed by the applicant.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. A screening and scoping assessment was carried out in accordance with the regulations. The screening opinion issued by the LPA was that, given the nature of the site and supporting information provided with the application, the proposed development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

Other Matters

The SSDC Climate Change Mitigation officer raised an objection to the scheme on the grounds that there is no comment on the provision for renewable energy generation equipment or how code for sustainable homes level four will be met. Whilst his comments are noted it is considered that these issues represent detailed design matters best dealt with at the reserved matters stage.

Some concerns have been raised that the previous reasons for rejecting development on

this site have not been addressed. However, there is no record of any previous planning application relating to the development of this site.

A concern has been raised that the proposed development may generally result in an increase in crime within Martock, and any new play may encourage anti-social behaviour. However, there is no reason to assume that this will be the case, and detailed crime prevention matters can be considered at the reserved matters stage.

A concern has been raised that there is a potential for unauthorised motor vehicle access along the public right of way to the south of the site. However, no form of vehicular access is proposed at this part of the site. Furthermore both the SSDC and SCC Rights of Way teams were consulted and were content with the proposed development.

Neighbours have raised a concern regarding the loss of outlook from their properties and potential devaluing. However, 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.

A concern has been raised about the developer's approach to this development, in particular in regard to the community consultation and the presentation of the resulting data. Whilst these concerns are noted, it is not considered that there is any evidence that the application and supporting documents are not entirely factual. All of the submitted reports have been rigorously assessed by the relevant consultees and have not been found wanting.

Finally a neighbouring occupier has noted that no work has been carried out by the developer to assess the impact of previous developments on Martock, and they suggest that this is the case, because facts, rather than suppositions, do not support the developer's case. However, it is not considered that the developer should be required to assess the impact of previous developments on Martock. Previous development has been considered in the policy context of the time, and this development must be considered in the current policy framework. There is nothing to suggest that any impacts of previous schemes make this scheme unacceptable.

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 ST1, ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 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 13/02474/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 a contribution of £3,531.20 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) The provision of play equipment and its on-going maintenance through a management company to the satisfaction of the Assistant Director (Wellbeing).
 - 3) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
 - 4) 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.
 - 5) Secure a contribution of £232,883 towards primary school places and £36,771 towards pre-school places to the satisfaction of Somerset County Council.
 - 6) Provide for a S.106 monitoring fee based on 20% of the outline application fee.
- b) The following conditions:

Justification

01. Notwithstanding the local concerns, the provision of up to 95 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The site hereby approved for development shall be as shown on the submitted location plan 12-076 202 Rev A received 18 June 2013.

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

02. 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.

03. 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.

04. No development shall commence until a foul, surface water including highways drainage, and land drainage scheme for the site, 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.

The scheme shall also include:

1. Comparison of the pre and post development runoffs. Any outflow from the site must be limited to the existing rate, i.e. No increase in the rate &/or volume of run-off and preferably a reduction (in this case 2ls as highlighted within the FRA).
2. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. Car parks, landscaping) must be shown on a drawing.
4. Adoption and maintenance of the drainage system must be addressed and stated.
5. The applicant should seek written confirmation from the Local Authorities drainage engineers that the 'Drainage ditch' highlighted as the discharge point for surface water within the FRA (Doc Ref: 12116, Dated: June 2013), is able to safely convey the proposed volumes without increasing flood risk.
6. Provision of environmental enhancements for amphibians as recommended by paragraph 6.2.3 of the submitted Great Crested Newt Survey received 18 June 2013.

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.

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

Reason: To 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.

06. No work shall commence on any dwelling until the new access as shown generally in accordance with drawing SK01 Rev A has been completed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless

otherwise agreed in writing with the Local Planning Authority (works covered by a suitable Legal Agreement eg S278 Agreement).

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

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

Reason: To ensure that appropriate steps are taken to record and preserve any buried archaeology in accordance with the aims and provisions of the NPPF.

08. The residential component of development hereby approved shall comprise no more than 95 dwellings.

Reason: to ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

09. No development shall take place until a scheme for the provision and management of a 4 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained in perpetuity including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value.

10. As part of any reserved matters application a detailed landscape strategy, including a tree and hedge protection plan to BS5837, shall be submitted with the onsite landscape proposals.

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

11. The development shall be carried out in accordance with the findings and recommendations of the Great Crested Newt Survey and the Ecological Survey received 18 June 2013.

Reason: In the interests of protecting local ecology in accordance with policy EC8 of the South Somerset Local Plan.

12. The development hereby permitted shall not be commenced until an updated report in relation to the badger sett, which shall include any further mitigation measures necessary, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting local ecology in accordance with policy EC8 of the South Somerset Local Plan.

13. 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 in accordance with saved policy ST5 of the South Somerset Local Plan.

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. The presence of the badger sett on site should be subject to a further update survey and impact assessment, and mitigation proposal as appropriate to accompany any future reserved matters application.
 03. You are reminded of the contents of the Parrett Drainage Board's letter of 12 July 2013 which is available on the council's web-site.
 04. You are reminded of the contents of the Environment Agency's letter of 19 July 2013 which is available on the council's web-site.
 05. You are reminded of the comments of the Council's Climate Change Officer dated 28 June 2013 which is available on the council's web-site.
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