

5. **Land South Of Langport Road, Langport Road Somerton**

Officer Report On Planning Application: 13/03272/OUT**

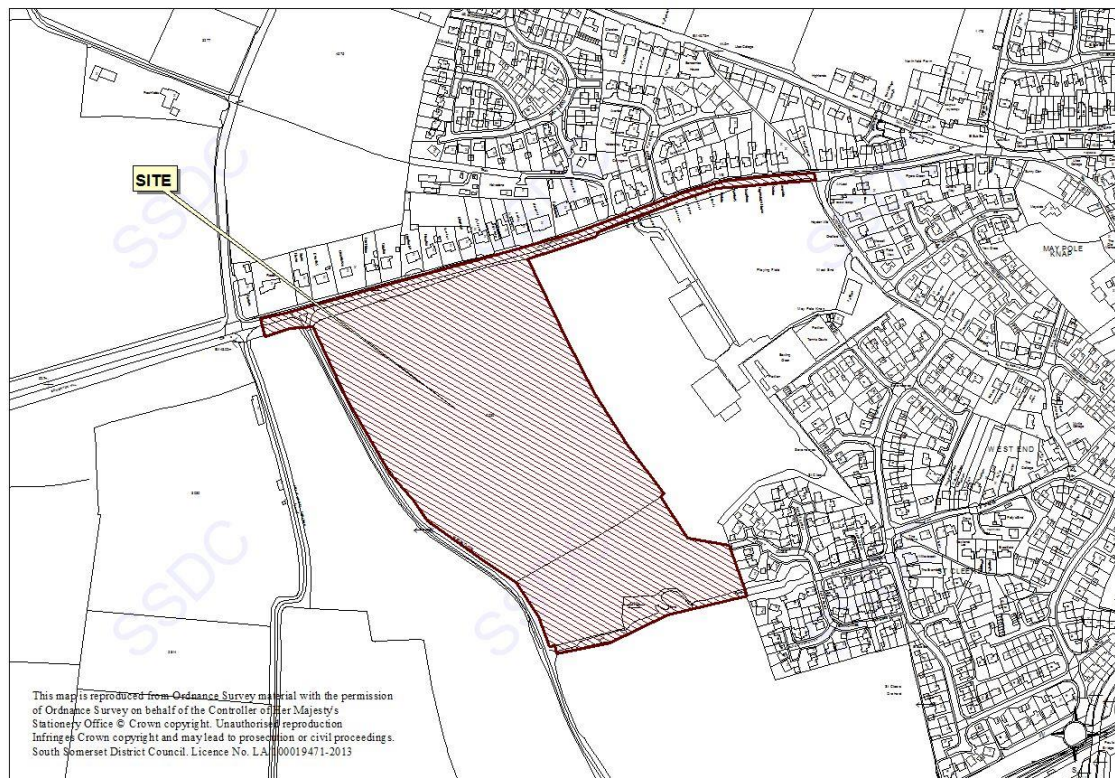
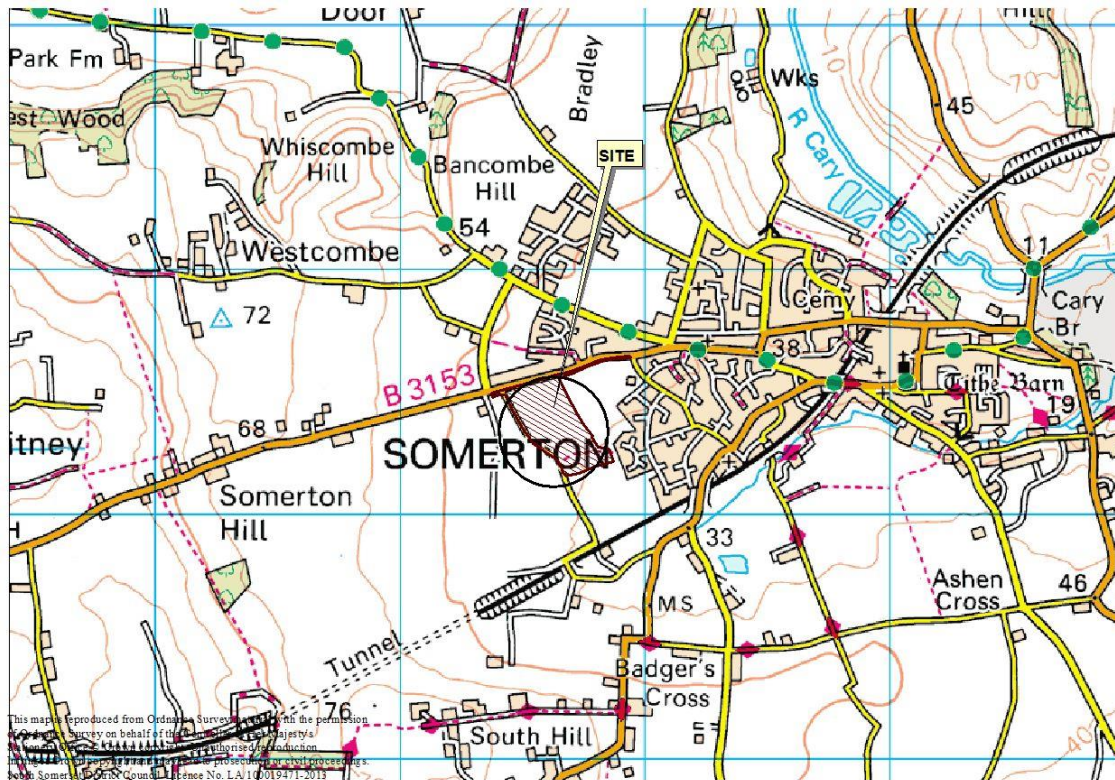
Proposal :	Outline application for the construction of up to 150 dwellings with new vehicular access from Langport Road. Provision of associated parking, road and drainage infrastructure, a playing pitch, public open space and pedestrian links (all matters reserved except for access). (GR 347594/128390)
Site Address:	Land South Of Langport Road. Langport Road Somerton
Parish:	Somerton
WESSEX Ward (SSDC Member)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	20th November 2013
Applicant :	Mr Jeremy Sutcliffe
Agent: (no agent if blank)	Mr Simon Fitton RPS 2420 The Quadrant Aztec West Almondsbury Bristol BS324AQ
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

Reason for Referral to Committee

The report was considered by Area North Committee at its meeting on 18 December 2013, when it was resolved that Planning Application 13/03272/OUT** be referred to Regulation Committee with a recommendation for refusal from the Area North Committee for the following reasons:

- The site is in an unsustainable location;
- The development of this site for 150 houses would be detrimental to the local landscape; and
- The harmful cumulative impact of the development, in addition to those already approved within Somerton, upon the town centre.

Site Description and Proposal



This application seeks outline planning permission to erect up to 150 dwellings at an overall density of 16 dwellings per hectare (allowing for the open space this will equate to

c.35 dwellings per hectare in the built up areas) and associated vehicular access and is seeking to agree the matter of access with all other matters reserved for later agreement. The scheme also includes the provision of an on-site sports pitch, on-site equipped play area and an area of open space with drainage attenuation pond.

The application site is approximately 9.4 hectares in area and comprises two agricultural fields (grade 3b – moderate quality land) located at the western periphery of Somerton and outside the settlement's development limits. The site abuts the western side of the recreational ground with agricultural land to the south and west and residential development to the north and southeast.

The site is bounded predominantly by mature hedgerows with a belt of trees and cut of water along the southern most boundary. The land gently rises from south to north, with the larger field to the north in active agricultural production and the smaller field to the south presently in an overgrown condition.

The proposed new access to serve the development is to lead on to Langport Road to the north, a classified B road, that is subject to a 30mph speed limit. A public footpath (L25/34) passes from east to west through the smaller field. The site also sits partly within an area of high archaeological potential and within an archaeological site for a medieval farmstead and saxon manor with a further archaeological site of crop markings a short distance to the west.

The application is supported by:

- Planning statement;
- Design and Access Statement;
- Visual Appraisal;
- Transport Assessment;
- Heritage Impact Assessment Report;
- Ecological Appraisal;
- Agricultural Constraints Report
- Utility Assessment Report
- Flood Risk Assessment and Surface Water Drainage Strategy
- Statement of Community Involvement
- Site Waste Management Plan
- Noise and Vibration Constraints Report.

RELEVANT HISTORY:

13/02706/EIASS: Request for an EIA screening opinion in respect of a proposed residential development. EIA not required.

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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST1 – Rural Centres
ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EC7 - Networks of Natural Habitats
EC8 - Protected Species
EH11 - Archaeological Sites of National Importance (Scheduled Ancient Monuments)
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites
EP1 - Pollution and Noise
EP3 - Lighting
EU4 - Water Services
TP1 - New Development and Pedestrian Movement
TP4 - Road Design
TP7 - Car Parking
CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
CR3 - Off-Site Provision
CR4 - Provision of Amenity Open Space
CR9 – Public Rights of Way and Recreation Routes
HG7 - Affordable Housing

National Planning Policy Framework:

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

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

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

OTHER POLICY CONSIDERATIONS:

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

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13)

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still 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 Areas) 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

Somerton Town Council: Recommend refusal. The submitted application is unacceptable due to the perceived impact on the local infrastructure of such a scale of development (main issues being schooling, parking in the town centre, surface water and drainage concerns). It is recommended that discussions are held to reduce the scale of any development proposed.

County Highways: No objection, subject to condition and an appropriately amended Travel Plan for inclusion within a 106 Agreement. The latest drawing FMW1159T figure 5.2 is generally acceptable for inclusion in a future S278 agreement. The traffic impact of the proposed development on the surrounding network has been considered and found not to be severe although some changes will be required to the submitted Travel Plan before it will be suitable for including in any Section 106 Agreement that will accompany a planning approval on this site. Proposed conditions to address:

- Construction Management Plan;
- Condition survey of the highway;
- Surface water drainage details;
- Estate road details;
- Connection to the highway of each dwelling prior to occupation;
- Right to discharge surface water;
- Access works to be carried out prior to works commencing;
- Network of cycleway and footpath connections through the development;
- Parking and turning provision to serve the new dwellings;
- No vehicular or pedestrian access on to Ricksey Lane.

Arborist: No objection, subject to a condition requiring a scheme of tree protection.

The existing mature trees are proposed to be retained within the area of public open space (POS) to the south. This area is rough ground that is prone to waterlogging and the construction of the proposed attenuation pond could leave the adjoining trees quite vulnerable to the ground-works.

County Archaeology: It is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the NPPF (para. 141), this should be secured by condition.

Climate Change Officer: Objects as there is no comment on the provision for renewable energy generation equipment or how the code for sustainable homes level 4 and the building regulations will be met.

If our local plan submission plan is adopted before reserved matters are considered then Code for Sustainable Homes Level 4 will be required rather than Level 3 which the Design and Access Statement shows an intention to comply with. As Part L of the building regulations change from July 2013 we should expect renewables to be explicitly detailed in broad terms at the outline stage, especially for developments of this size, because they will impact on the layout and appearance of the development.

Drainage Engineer: The drainage strategy set out in the floor risk assessment is sound. Ground investigation to assess possible use of soakaways should be carried out. A condition requiring drainage details to be agreed should be imposed.

County Education: Identified a shortfall in the number of infant and junior schools places available to meet the likely demands of the proposed development and therefore seeks the following financial contributions:

- 13 infant places and 17 junior places = 30 places at £12,257 per place = £367,710 in total

Sports, Arts & Leisure: Seek a contribution of £320,474 (equating to £2,136 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £146,183 for local facilities, to go towards enhancing off-site youth facilities and changing facilities at Gassons Lane Recreation Ground;
- £125,807 for strategic facilities, to go towards theatre and indoor tennis centre, artificial pitches, swimming pools and sports hall in the Langport / Huish Episcopi and Yeovil areas;
- £45,311 as a commuted sum towards local services;
- £3,173 as the Community Health and Leisure Service administration fee.

In addition to these payments the provision of an on-site equipped play area and on-site senior football pitch are also sought.

Open Spaces: No objection. There is a generous allocation of open space, I would normally request the open space to be central to the site however the topography of this southern location is limiting and lends itself to this use.

Environment Agency: No objection subject to conditions relating to provision of a detailed surface water drainage scheme for agreement and the provision of scheme for the responsibility and maintenance of the surface water drainage scheme.

Landscape Officer: No landscape objections subject to a condition requiring a detailed landscaping scheme, including a management prescription for post-construction vegetation management.

The area identified falls within the scope of the peripheral landscape study for Somerton which indicated the west side of Somerton to be the logical growth area. Hence in terms of principle of development, if there is a need to find additional housing land for Somerton in the next phase of the local plan there is no in-principle landscape objection.

The site equates to 9.37 ha of which 4.17 ha is indicated on the concept masterplan as being landscape and open space provision. This is a generous amount of green space. I agree with the placement of the informal open space and have no issues with the arrangement and locality of the proposed housing blocks and potential to face onto open space.

Natural England: Based on the information provided the proposal is unlikely to affect any statutorily protected sites, landscapes or European Protected Species. Supports the enhancements and recommendations set out within the Ecological Appraisal.

Somerset Wildlife Trust: In general we support the findings of the Ecological Appraisal and the proposal enhancements. Specifically we support the recommendations to retain and enhance the watercourse corridor along the southern boundary and mature trees, the provision of additional hedgerows and enhancement of existing ones, planting designed for wildlife conservation, provision of bat and bird boxes and external lighting to

be designed to minimise light spill and pollution.

Ecology: Generally agrees with the conclusions of the submitted Ecological Appraisal and recommends conditions relating to:

- Bat assessment / survey of any trees ranked Category 1;
- Badger mitigation strategy;
- Measures for the enhancement of biodiversity;
- In reference to dormice a hedgerow removal method statement;
- Reptile Mitigation Plan.

Planning Policy: No objection to the principle of development, subject to there being no adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing.

Noted the lack of a five year housing land supply and that it will need to be considered whether the adverse impacts would significantly and demonstrably outweigh the benefits of the additional housing that the proposal will deliver.

Somerton is identified as a Rural Centre in the saved local plan and a Local Market Town in the emerging local plan and therefore has a relatively wide range of jobs, services and facilities that serve the settlement and wider rural area. The proposal is within the 'direction of growth' set out in policy LMT3 of the emerging local plan but at 150 dwellings is of a greater scale than proposed in policy 55 which has a residual requirement of 88 dwellings in Somerton up to year 2028.

The emerging district-wide provision is at least 15,950 dwellings and the council is proposing additional text to policy SS2 outlining a permissive approach to housing proposals in the directions of growth in advance of the subsequent Site Allocations Development Plan Document and the NPPF's presumption in favour of sustainable development.

National Health Service: No comments received.

Police Liaison Officer: No comments received.

County Rights of Way: No objection but noted that the public footpath was not shown in its legal position on the masterplan.

SSDC Rights of Way: The public footpath across the site to be diverted within the greenspace in due course.

Somerset Waste Partnership: No comments received.

Strategic Housing: Policy requires 35% affordable housing split 67:33 in favour of social rent without access to further public subsidy. Suggests 52 affordable units (based on 150 in total) of which 36 will be for social rent and 17 for shared ownership or other intermediate solutions. These should be pepper potted throughout the site and designed to blend in with the proposed market house styles. Tenure split would be decided by referring to the current housing register (Homefinder Somerset) and identifying need at that given time for Somerton.

Wessex Water: There is limited capacity in the local sewerage network to accommodate additional flows and strategy has yet to be agreed as such we request a condition to

secure a foul and surface water drainage strategy, with the details to be completed in accordance with an agreed timetable.

A detailed engineering appraisal will be required to confirm the scope and extent of capacity improvements to the public sewer system. This appraisal will require network modelling to prepare a range of options for upsizing or attenuation measures to mitigate the impact of peak flows from the site.

Typical schemes for sites of this scale will involve agreement upon the point of connection together with any sewer upsizing and / or attenuation measures to ensure satisfactory levels of service. An off-site connecting sewer will be needed and this can be requisitioned from Wessex Water acting as the sewerage undertaker. Once the appraisal is complete we will be able to agree a suitable drainage strategy. Surface water disposal should be made to local land drainage systems with appropriate flood risk measures agreed with the Environment Agency. No surface water connections will be permitted to the foul system. Drainage systems will be adopted through a Section 104 agreement.

REPRESENTATIONS

67 written representations have been received from local residents objecting to the proposed development. 55 of these are an identical letter all with different signatories and raised the following concerns:

- Flooding. Whilst the attenuation pond may deal with the flooding to the benefit of the new development it may worsen the situation for the existing housing to the east. In August 2012 a flash flood caused flooding to garages and gardens in Barley Croft and Ricksey Close.
- Does not meet local housing need. The projected housing figures of 88 for Somerton set out in the local plan is a true reflection of what is appropriate. The type of housing is also unsuitable being all family housing, no bungalows or accommodation for the elderly is included.
- Impact on local infrastructure and rate of development. 133 houses have already been permitted at Northfield Farm. Somerton's infrastructure is already over-stretched, the one and only primary school is over-subscribed, public parking spaces are in short supply, there is no secondary school, no petrol station and only one bank. The application offers little to the local community and will only worsen things. The lack of effective phasing of these new developments means it is extremely difficult to assess their individual impact.
- Sustainability: The only benefit cited by the developer is to the community park and provision of a play area and new sports pitch which is unlikely to benefit the majority of Somerton's residents. Any employment benefits will be short-lived and will not necessarily provide work for local people. The new occupier's may prefer to shop at Tesco in Langport thereby denying economic benefit to local traders, yet going into the town centre to park to use the doctor's surgery, library etc.

Additional representations raised the following objections and concerns:

- Excessive scale of development on this side of Somerton (including other developments proposed for Somerton) which will negatively impact on the character of this historic market town.
- Somerton is a large village, not a small town. Infilling of existing vacant plots should be pursued before a large new estate.
- The adverse impacts in sustainability terms of the development outweigh any benefits.

- This is not a sustainable location.
- The land to the south of the site is also under option. If this application is permitted it will be a shoe-in for this neighbouring land.
- The local plan identifies a need for an additional 88 houses, a much better site for these is on the east side of Cartway Lane.
- If approved there must be a legal requirements that no further house building is allowed in Somerton or its surrounds for the foreseeable future and that the community park is developed in its proposed area.
- The housing density of 35 dwellings per hectare is contrary to SSDC's advice of no more than 30 dwellings.
- Increased burden on already stretched infrastructure and services.
- Before more housing is allowed a new school should be a priority.
- There are no jobs available in Somerton.
- Increase the carbon footprint of the town since more residents are likely to resort to cars to access services in town.
- Town centre facilities are not within a reasonable walking distance.
- Increased congestion on the roads.
- Increased demand for town centre parking.
- The frequency of bus services may not be regular enough to deter car use.
- Langport Road is sometimes like a race track and can be very busy.
- If approved, any road improvements to make that stretch of road safer is a good thing.
- Somerton has very little public open space. Ricksey Lane is popular for walkers and if developed would be lost as a rural amenity along with any wildlife.
- Loss of land for food production and wildlife.
- Runoff and drainage concerns. Langport Road, Ricksey Lane and the area around the railway tunnel are prone to flooding. The fields on the west of Ricksey Lane discharge water into the lane after heavy rain and the new estate will remove a soakaway field.
- The capacity of the sewerage system is already inadequate.
- Visual impact. The application suggests houses up to 2.5 storeys high which will be out of scale with the older more established housing in Langport Road and housing in St Cleers to the east.
- I currently live on the edge of Somerton, should this be approved I will end up living in a built up area.
- There are many houses in Somerton for sale.
- Lead to sprawl.
- Is the additional sports pitch needed?
- Somerton does not need any more allotments or an orchard which will have to be managed by responsible citizens.

Separately to the above a petition has also been received, signed by some 460 people, opposing the development due to concerns relating to increased traffic congestion in the town centre, parking problems, over-burdened public services and the danger of a two-centre town and decline of the town centre.

APPLICANT'S CASE

"The application proposals constitute sustainable development that complies with the requirements of the NPPF and SSDC's emerging Local Plan. A suite of technical documents are submitted in support of the development proposals that demonstrate the evolution of the proposals

and how any impacts can be successfully mitigated, and enhanced in the case of aspects such as flood risk and ecology.

... In accordance with NPPF paragraph 14 and Policy SD1 of the emerging Local Plan planning permission should be granted for the proposed development.”

(Part 7 of the Supporting Planning Statement)

CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape, visual amenity and density;
- Residential amenity;
- Highway safety;
- Ecology;
- Archaeology;
- Flooding and drainage;
- Sewerage and water supply;
- Planning obligations.

Principle:

It is accepted that the site is located outside the development area of Somerton, 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 is unable to demonstrate a deliverable 5-year land supply as required by para. 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector in the Slades Hill, Templecombe appeal (12/03277/OUT) concluded that the Council was still unable to show a five- year land supply.

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. In Somerton's case the previous local plan designated the town as a Rural Centre and appropriate for development given the:-

“.....generally superior service provision, better accessibility, generally better employment opportunities and Capacity in terms of both physical and community infrastructure to absorb further development....” (para. 2.48)

Secondly, it acknowledges that the emerging local plan designates Somerton as a Local Market Town with a wide range of shops, services, facilities and employment opportunities.

The 150 dwellings proposed by the current scheme exceeds the 88 dwellings identified for Somerton up until 2028 through the emerging plan (policy SS5), however, it should be noted that this figure is the minimum requirement identified for the settlement and not the maximum. It is considered that Somerton's role and function as a Local Market Town makes it suitable, in principle, to absorb further housing growth to that identified. In this instance the additional housing proposed through the current scheme is not considered to be disproportionate in scale bearing in mind the settlement's role, function and size.

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, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

On this basis, and notwithstanding the various objections from the Town Council and local residents 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 Town Council and local residents have been considered, but are not considered to outweigh the considerations outlined above.

Impact on the local landscape, visual amenity and density

The Landscape Officer raises no in-principle objection to the proposed scheme and notes that the site area falls within the scope of the peripheral landscape study of Somerton, indicating the west side of Somerton as a logical area for further growth should additional housing land be required. The concept masterplan includes a relatively generous level of green space. The placement of the informal open space within the southern field will make use of the primary landscape interest within the site including the mature tree planting and watercourse and as such is a logical focus for this function.

The scheme indicates the retention and enhancements of the native hedgerows bounding the site and an area of open space within the northwest corner of the site, adjacent to Langport Road / Ricksey Lane junction. The development proposes an average density of 35 dwellings per hectare across the identified residential area of the site and is intended to be predominantly 2-storey in height and up to 2.5 storey for a number of key / feature buildings.

It is not considered that development of this type and at this density is inappropriate in principle in this location. In any event the layout, house types and density can be fully considered at the reserved matters stage.

Access and Highway Safety

The development is to be served by a single new access leading on to Langport Road with all other existing accesses leading on to Ricksey Lane stopped up to vehicular traffic. The new access arrangements includes the provision of a right hand turn 'ghost island' for traffic turning into the development from a westerly direction. The provision of

a 2m wide footway along the road frontage to the east of the access, two pedestrian crossings and a bus stop are also incorporated into the scheme. The highway authority has raised no objection to the principle of these arrangements or its impact upon the surrounding highway network, subject to a number of highway related conditions.

Concerns have been raised by the Town Council and a number of local residents with regard to the volume of traffic the development is likely to generate and how it will impact upon the local road network, with particular reference to increased congestion in the town centre and demand for town centre parking which they feel is already stretched. The highway authority, however, has considered the traffic implications of the proposal and concluded that such impacts will not be severe and should not be a reason to object to this application.

As such, notwithstanding the local concerns, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without prejudicing highway safety. The proposal is therefore considered to accord with saved policies ST5, TP1 and TP4 of the local plan.

The highway officer has raised some minor concerns in regard to the submitted Travel Plan, however, this is not considered to be a matter that should constrain the development, as such revisions can be secured as part of any legal agreement negotiations should the application be permitted.

Residential Amenity

Given that the indicative layout puts the proposed dwellings at least 50m away from properties on the opposite side of Langport Road it is not considered that there are any inherent problems with regard to the amenities of existing residents. With the regard to the amenity of the future residents of the development this can be fully assessed at reserved matters stage. Whilst the outlook for residents on the opposite side of Langport Road, the mere loss of a view cannot justify withholding planning permission and the new view can be fully assessed at the reserved matters stage when the full details will be available.

Flooding and Drainage:

The Environment Agency, Wessex Water and SSDC's Drainage 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 raised by the Town Council and local residents, and subject to the imposition of suitable conditions, 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 appropriate condition on any permission issued, and that financial contributions can be secured using the Water Industry Act 1991.

Infrastructure and Facilities

A number of concerns have been raised regarding whether Somerton has the necessary infrastructure and facilities to cope with the proposed development. No substantive concerns or objections have been raised by the relevant technical consultees or service providers and, where necessary, details can be conditioned. Issues regarding a shortfall in existing infant and junior school places in Somerton, to meet the likely demand of this development, has been identified by County Education and appropriate contributions (as set out in the Planning Obligations section below) are therefore sought to address this. No other service supply issues, e.g. healthcare, have been identified.

Ecology

A number of local residents have raised concerns as to the impact of the development upon local wildlife. Natural England, the Somerset Wildlife Trust and Council's Ecologist all made comments in relation to this aspect. All three support the findings of the submitted Ecological Appraisal and raise no objection to the principle of the development and make reference to the recommended enhancements set out in the appraisal, however, these matters are better dealt with at reserved matters stage. The Council's Ecologist recommends a number of conditions to address any potential impact the proposal could have upon any legally protected species and provided these conditions form part of any consent, should the application be approved, the proposal should not adversely affect local ecology or any protected species.

Archaeology

The southern part of the site and area to be used as informal open space and to accommodate the attenuation pond is within a designated area of high archaeological potential and the site of a medieval farmstead / manor. The County Archaeologist raises no concerns with the submitted Heritage Appraisal but does not agree with the proposed 'preservation in-situ' method for some of the remains found in the area of the proposed playing pitch and such approaches are rarely achievable in the long-term. Instead they recommend a scheme of archaeological excavation prior to works commencing on. This matter can be adequately secured through an appropriately worded condition, which should form part of any consent should the application be approved.

Planning Obligations

Sports, Arts & Leisure: The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities. An equipped play area (500 metre square LEAP) and a full size football pitch are to be provided on-site by the developer as part of this scheme, in addition to this the Council's Sports, Arts & Leisure unit are seeking off-site contributions of £320,474 (equating to £2,136 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £146,183 for local facilities, to go towards off-site youth facilities and changing facilities at Gassons Lane Recreation Ground;
- £125,807 for strategic facilities, to go towards theatre and indoor tennis centre, artificial pitches, swimming pools and sports hall in the Langport / Huish Episcopi and Yeovil areas;
- £45,311 as a commuted sum towards local services;
- £3,173 as the Community Health and Leisure Service administration fee.

Education: There is an identified shortfall of 13 infant school and 17 junior school places to meet the likely demands of the proposed development. County Education are therefore seeking an overall contribution of £367,710 (£12,257 per place) towards the costs of providing these additional places.

Affordable Housing: It is expected that the developer will provide 35% of the total number of dwellings on site as affordable housing which would equate to 53 affordable units based on 150 in total, however, the actual number would be finalised at 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 75:33 in favour of rented accommodation to shared ownership or other intermediate solutions.

Highway Improvements and Travel Plan: The off-site improvements, such as the right-hand turn 'ghost island', bus stops and pedestrian crossings, should be secured through a S106 agreement, as should an appropriately revised Travel Plan.

Open Space: A maintenance scheme to ensure the on-going maintenance of the public realm, including the area of informal open space, attenuation pond and general areas of open space, to the satisfaction of the Development Manager.

Monitoring Fee: 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:

- Provision of the on-site equipped play area and sports pitch and contributions towards off-site strategic and local play, sport and recreation facilities;
- 35% of the dwelling units as affordable and to remain so in perpetuity;
- Financial contributions towards additional infant and junior school places;
- Necessary off-site highway improvements;
- An appropriate Travel Plan;
- Maintenance scheme relating to the public realm; and
- Monitoring fee.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST5, ST10, CR2, CR3 and CR4 of the local plan.

Other Matters

The proposed development, due to its size and nature, falls within Part 10b of Schedule 2 of The Town and Country (Environmental Impact Assessment) Regulations 2011. An EIA Screening Opinion has therefore been carried out during which it was assessed against the criteria set out within Schedule 3 of the EIA Regulations and it was concluded that the potential effects of the development were not so significant as to require an EIA.

The Climate Change Officer has objected to the proposal due to the lack of information for the provision of renewable energy on site or how the code for sustainable homes level 4 is to be met. Whilst his comments are noted these issues relate to the detailed design of the scheme and are matters to be dealt with at reserved matters stage.

A public footpath passes through the southern part of the site through the area of informal open space. It is noted that the route of the footpath, as indicated on the proposed masterplan, differs from its legal route, any such diversion will need to get the separate approval of County Rights of Way through a Re-direction Order. Neither the County or SSDC's Rights of Way officers have raised any objections in this regard.

A number of local residents have raised concerns as to the long-term maintenance of the drainage attenuation pond. This matter along with the management of the public realm

on site is to be addressed through the Section 106 Agreement (as noted earlier in the report).

Conclusion

Given the Council's lack of a five-year housing land supply and the location of the site in the area identified as being in the direction of growth for Somerton, as set out in policy LMT3 of the emerging local, it is considered that the, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity, the historic environment or highway safety have been identified that justify withholding outline planning permission and the agreement of the details of means of access. All outstanding matters of detail would be adequately assessed at reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions and provision of the other obligations sought through a Section 106 Agreement.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with the aims and objectives of the NPPF and policies ST1, ST3, ST5, ST6, ST10, EC3, EC7, EC8, EH11, EH12, EP1, EU4, TP1, TP4, CR2, CR3, CR4, CR9 and HG7 of the South Somerset Local Plan. As such the application is recommended for approval.

RECOMMENDATION

That application reference 13/03272/OUT be approved subject to:

1. The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-
 - (a) A contribution of £320,474 (or £2,136 per dwelling) towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £146,183 for local facilities;
 - £125,807 for strategic facilities;
 - £45,311 as a commuted sum towards local services;
 - £3,173 as the Community Health and Leisure Service administration fee.
 - (b) The provision of on-site equipped play space and sports pitch and their on-going maintenance through a management plan to the satisfaction of the Assistance Director (Wellbeing).
 - (c) At least 35% of the dwellings as affordable dwellings 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.
 - (d) A contribution of £367,710 towards the cost of providing additional infant and junior school places, to the satisfaction of Somerset County Council.
 - (e) Off-site highway improvements on Langport Road, to the satisfaction of the County Highway Authority.

- (f) Travel Plan measures to the satisfaction of the County Highway Authority with the agreement of the Development Manager, and to be fully implemented in accordance with the agreed details.
- (h) A scheme of maintenance for the long-term maintenance of the areas of open space and attenuation pond, to the satisfaction of the Development Manager and Environment Agency.
- (c) A Section 106 Agreement monitoring fee based on 20% of the outline application fee.

2. and the following conditions

Justification

Notwithstanding the local concerns, the provision of up to 150 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to landscape, residential or visual amenity, ecology, archaeology or highway safety, 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.

CONDITIONS

01. Details of the appearance, landscaping, layout and scale (herein 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: For the avoidance of doubt and in the interests of proper planning.

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

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

03. The site hereby approved for development shall be as shown on the submitted location plan received 14/08/2013.

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

04. The development hereby permitted shall comprise no more than 150 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 policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. The development hereby permitted shall not commence unless a foul and surface water drainage scheme for the site which shall include a timetable for its implementation and a scheme for the future responsibility and maintenance of the

surface water drainage system. Such drainage shall be based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policies EH11 and EH12 of the South Somerset Local Plan.

07. No development hereby permitted, including site clearance, ground-works, heavy machinery entering site or the on-site storage of materials, shall be commenced until such time as a tree protection plan and an arboricultural method statement relating to retained trees on or adjoining the site has been submitted to and agreed in writing with the Council. Such details should conform with paragraphs 5.5, 5.6, 6.1, 6.2 & 6.3 of British Standard 5837:2012 – Trees in relation to design, demolition and construction and shall include:-

- the installation details and location of root protection areas & protective fencing clearly detailed upon the tree protection plan and;
- details of special tree protection and engineering measures for any required installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees and;

Upon approval by the Council, the agreed tree protection measures & tree planting requirements shall be implemented in their entirety for the duration of the construction phase..

Reason: To secure the planting of new trees and to preserve landscape features (trees) in accordance with the objectives of saved Policy ST6 of the South Somerset Local Plan.

08. Prior to the submission of any reserved matters application a bat assessment / survey of any trees ranked as Category 1 in accordance with the criteria set out in 'Bat Surveys - Good Practice Guidelines – 2nd edition,' by the Bat Conservation Trust (BCT) (2012), together with a Method Statement and mitigation strategy as necessary shall be submitted to and agreed in writing by the local planning authority. Such recommendations shall inform the layout and the approved works/mitigation measures shall be implemented unless otherwise approved in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act

1981 (as amended).

09. Prior to the submission of any reserved matters application a detailed badger mitigation strategy shall be submitted to and agreed in writing by the local planning authority. Once approved such strategy shall inform the layout of development and any on-going measures shall be implemented and retained all times.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

10. The development hereby permitted shall not be commenced unless details of measures for the enhancement of biodiversity have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

11. The development hereby permitted shall not be commenced (including any hedge or tree removal) unless a Hedge Removal Method Statement detailing precautionary measures to avoid harm to dormice, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and The Habitats Regulations 2010.

12. The development hereby permitted shall not be commenced (including any ground works or site clearance) unless a Reptile Mitigation Plan detailing measures to avoid harm to slow worms, has been submitted to and agreed in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise agreed in writing by the local planning authority.

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

13. The development hereby permitted shall not commence unless 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 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 visual amenity and highway safety to accord with Policy ST5 of the South Somerset Local Plan.

14. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

15. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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 interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

16. 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 interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

17. No work shall commence on any dwelling on the development site hereby permitted until the access works (Ghost Island right turn Lane) as shown generally in accordance with Drawing Number FMW1159T have been carried out 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.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

18. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections have been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

19. No vehicular or pedestrian access shall be formed from the site direct to Ricksey's Lane other than the proposed emergency access point, details of which shall be submitted and approved in writing by the LPA, such works to be completed before occupation of any dwelling on the site.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

Informatives:

01. You are reminded that the highway authority has 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 that any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the highway authority once all works have been completed on site.
02. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
03. Please be aware of the comments set out within the Environment Agency's letter dated 12/09/2013.
04. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager South Somerset District Council Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

Appendix A

Extract from Area North Committee Minutes – 18th December 2013

Planning application: 13/03272/OUT – Outline application for the construction of up to 150 dwellings with new vehicular access from Langport Road. Provision of associated parking, road and drainage infrastructure, a playing pitch, public open space and pedestrian links (all matters reserved except for access) on land south of Langport Road, Langport Road, Somerton. Applicant: Mr J Sutcliffe.

The Planning Officer presented the application as detailed in the agenda report and highlighted that the application was for outline permission with access only. A single point of access at Langport Road was sought for the development, and as part of the access arrangements there would be a dedicated right hand turn lane from Langport Road into the development. She updated members that a further letter of objection had been received, but no new issues were raised to those already detailed in the report. It was clarified that the proposed on-site equipped play space would be provided by the developer and the remainder of the local facilities contribution would be for off-site youth facilities and changing facilities at the recreation ground.

Reference was made to the National Planning Policy Framework, recent appeal decisions and that SSDC did not currently have a five year land supply. She noted that the 150 houses exceeded the minimum 88 still required in the emerging Local Plan, and the site was located in the direction of growth for development in Somerton. It was also noted that Highways had not raised any capacity issues regarding the network and subject to conditions, did not raise any objections.

Local concerns about drainage were noted, however SSDC Engineers, Wessex Water and the Environment Agency had not raised any objections. Wessex Water had acknowledged there were capacity issues locally but these could be addressed by condition.

Members were addressed by Ms C Adams on behalf of Save our Somerton, Mr P Mountain and Ms M Chambers in a personal capacity and not as a town councillor, who spoke in objection to the application and raised varying comments including:

- Not against housing development if there is a need
- Proposal of 150 houses was more than required by Local Plan and at greater density than recommended by officers. The number of dwellings would create additional pressure on services, and create an increase in traffic and parking issues
- Site is 25 minute walk from town centre and in places there are no pavements or crossings
- Benefits of the proposal needed to be weighed up against the costs to Somerton
- Some years ago it had been raised that the local authorities had failed in education provision for Somerton. There was little scope to expand the current schools.
- Consider the opinions of local people and refuse the application
- Little detail about renewable energy provision as detailed by Climate Change Officer
- Wessex Water acknowledge limited capacity – a whole review of Somerton is required not just this development
- Need assurance that sustainable systems for dealing with surface water drainage will be maintained in the future

Mr S Fitton, agent, noted the applicants had consulted with Somerton Town Council several times. He commented that the site was in the direction of growth for Somerton and so in effect the principle of development was accepted. Although 150 houses was more than the 88 still required in the Local Plan, it was not excessively so. The on-site children's provision and other obligations would benefit the community.

Ward member, Councillor David Norris endorsed comments made by some of the objectors, but he was concerned about the potential density of the development. He felt 150 houses, representing 70% over the number of dwellings indicated in the emerging Local Plan made a nonsense of the Infrastructure Delivery Plan. He commented that there appeared to be no acknowledgement of the Northfield site and the impact assessment on highways was based on incomplete evidence. The offsite requirements for improvements on Langport Road were acknowledged, but there appeared to be no provision for West Street and the town centre where there was likely to be an impact. He did not support the application.

Ward member, Councillor Pauline Clarke concurred with her fellow ward member and commented she was not against development but felt the number of houses proposed and timing was not appropriate. She also expressed concerns including:

- there was no space in the two schools at present and parking in the town was already an issue
- would the doctors surgery be able to cope with the additional population
- much evidence was based on the current situation and did not take into account the additional housing with permission at Northfield, and there would be a cumulative effect

Members discussed the application at length and varying comments were expressed including:

- Need to ensure adequate provision for waste, sewerage, water and power, including pushing for connection to the gas main.
- not a sustainable location, and additional cars will cause traffic issues. People Non't walk the distance to local services and will use cars.
- Adverse impact in sustainability terms outweighs any benefits.
- Too many houses.
- Was building to sustainable homes level 4 instead of level 3 enforceable.
- Town Centre unable to cope with more traffic.
- Planning Inspectors look carefully at responses of statutory consultees, and there were few objections to the proposal.
- The town council represent the local community, was expecting a spokesperson to make representation at this meeting.
- Little reason to refuse the application and it's a vibrant market town.
- It's an 'in principle' application only.

In response to queries and comments made, the Area Lead clarified that:

- The application was in the direction of growth and Somerton was a settlement with a minimum allocated requirement of 88 houses in the emerging Local Plan. Members needed to consider if the number of houses proposed in this application was so over the expressed minimum as to cause harm and if there were impacts so severe as to suggest refusal.
- Detail about space for refuse and parking arrangements would be made at the reserved matters stage.

- Refusing on an assumed density of 35 dwellings per hectare at this stage would be indefensible at appeal, and the decision regarding density should be made at reserved matters.
- Types of energy supplied to a development was not a planning consideration
- Sewerage arrangements were a matter for a third party and the developer to be agreed.
- Surface water was a matter for the LPA to consider, a scheme will ensure run-off from the development cannot exceed that from the current greenfield site.
- Capacity of the doctors surgery was a private matter.
- County Education were saying with a contribution for additional places, the shortfall could be overcome.
- With regard to codes for sustainable homes, the development would have to comply with the relevant Building Control requirements and the Council did not have any planning policies to justify insisting of higher standards being achieved.
- Regarding distance to services, everything except the town centre was within guideline walking distances, and this had been a consideration with the direction of growth in the emerging Local Plan.

It was proposed and seconded to refuse the application, contrary to the officer recommendation, due to the adverse impact on sustainability and unacceptable impact on the landscape of the locality. An amendment was suggested and agreed, to include concern about the cumulative impact on the town centre to the reason for refusal.

The Senior Legal Executive advised members that the grounds and reason for refusal needed to be clear and precise to the application. If the Area Lead, Chairman and herself did not feel it was a substantial or sound reason for refusal then the application would have to be two-starred and referred to Regulation Committee for determination. At the request of the Chairman she explained the meaning and process of two-starring to members of the public.

The Area Lead confirmed that, in his opinion, the reason proposed might prove indefensible at appeal, and should be referred to Regulation Committee if the proposal was carried. Given the suggested growth of Somerton in the emerging Local Plan the LPA did not consider the location to be unsustainable. Furthermore given the nature and topography of the town, there were very few options, if any for growth on this scale.

The Chairman, Senior Legal Executive and Area Lead, agreed that if the proposed reason for refusal was carried the application should be two-starred and referred to Regulation Committee for final determination.

On being put to the vote, the proposal to refuse the application, contrary to the officer recommendation, was carried 6 in favour and 5 against. The Chairman clarified that the application would go to Regulation Committee for determination.

RESOLVED: That application 13/03272/OUT be REFERRED to Regulation Committee with a recommendation for REFUSAL from the Area North Committee, contrary to the officer recommendation on the grounds that this is an unsustainable location and its development for 150 houses would be detrimental to the landscape of the locality. As such the proposal is contrary to saved policies and the NPPF. Concern was also raised about the cumulative impact on the town centre.

(Voting: 6 in favour, 5 against)