

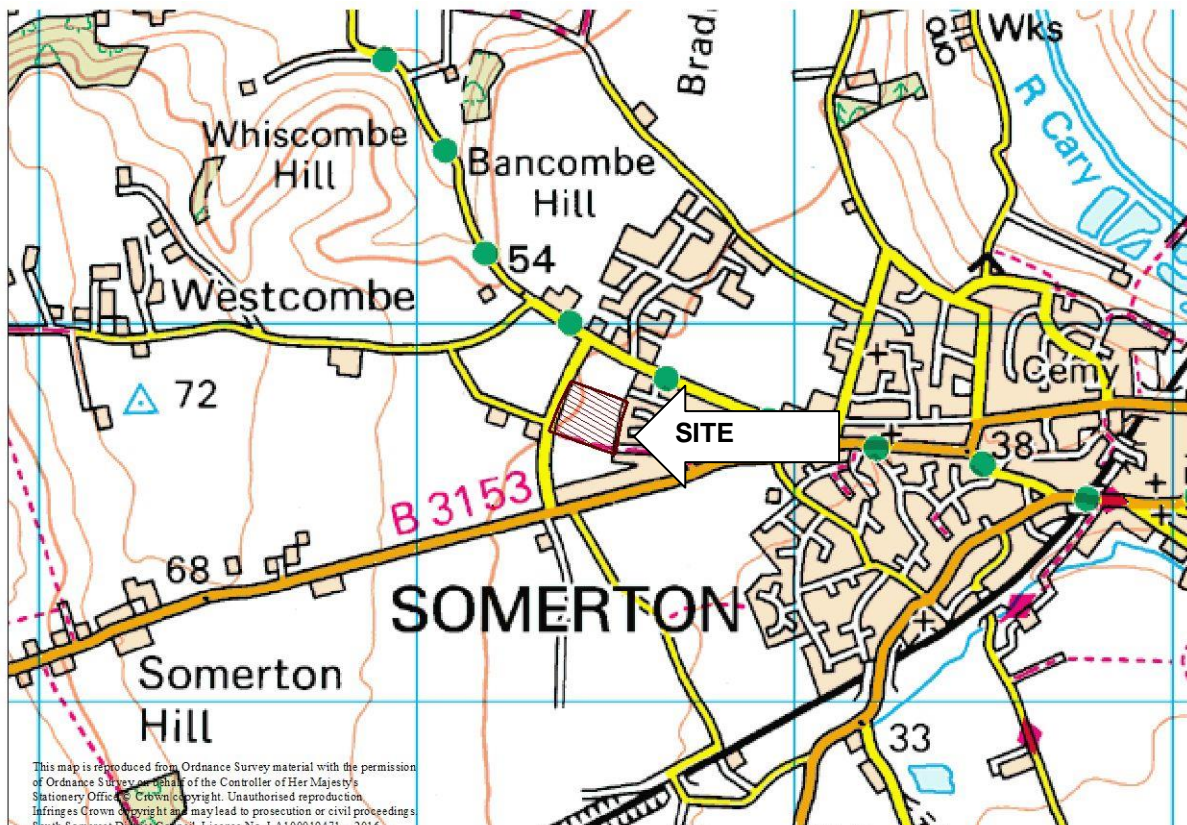
## Officer Report On Planning Application: 15/03585/OUT

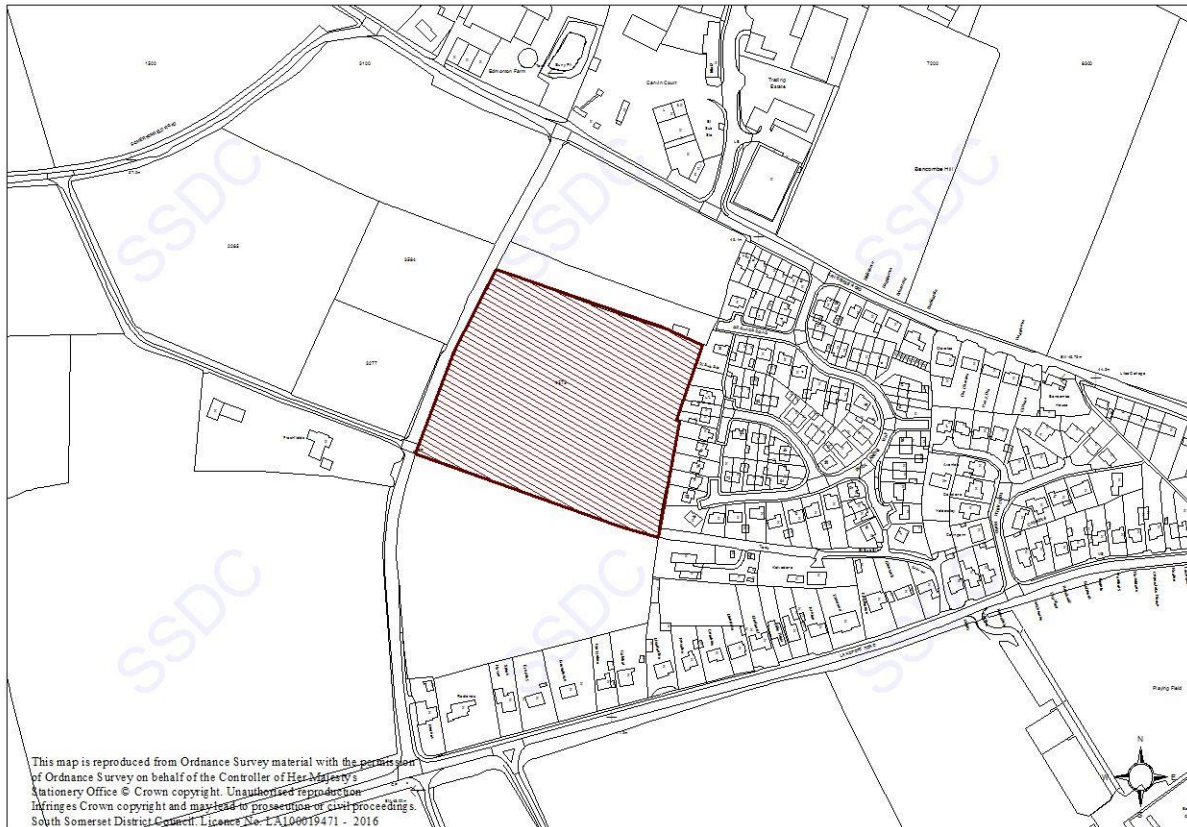
<b>Proposal :</b>	Outline application for the construction of up to 59 dwellings with a new vehicular access from Cartway Lane, associated car parking and open space including the provision of a play area and laying out of an access road. (The maximum height of buildings to be two storeys above existing ground level) with some matters reserved (GR:347498/128822)
<b>Site Address:</b>	Land Off Cartway Lane, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Member)</b>	Cllr S Page Cllr D Ruddle
<b>Recommending Case Officer:</b>	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	4th November 2015
<b>Applicant :</b>	Intelligent Land
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Major Dwlgns 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to committee at the request of the Ward Member, Cllr Page, and with the agreement of the Area Chair to enable the local concerns to be further considered.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission for residential development of up to 59 dwellings with associated vehicular access, open space and play provision. The application is seeking to agree detailed matters relating to access, layout and scale with matters of appearance and landscaping reserved for later consideration.

The application site is approximately 2.35 hectares of grade 3a agricultural farmland located at the western periphery of Somerton immediately adjacent to the development area and within the direction of growth as set out within policy LMT3 of the local plan. There is an existing field access into the application field within the west boundary leading on to Cartway Lane which also serves as access for a public right of way (bridleway) which passes along through the field from west to east along the south boundary. Under this application it is proposed to retain this access for use as access to adjacent land and the bridleway and to form a new vehicular access on to Cartway Lane to serve the proposed development.

The application field is enclosed on three sides by mature native hedges and a mix of fencing and planting along the east boundary where it adjoins the adjacent housing. The application site has a very slight gradient but is at a similar level to the adjacent housing and surrounding agricultural land.

There are no listed buildings or archaeological designations within or immediately adjacent to the site and the application site is within flood zone 1.

The application is supported by:

- Design and access statement;
- Site plan and layout plan;
- Housing schedule;

- Ecological assessment;
- Appraisal of landscape and visual effects;
- Flood risk assessment;
- Framework travel plan;
- Transport statement;
- Tree constraints plan;
- Topographical survey;
- Archaeological desk-based assessment.

## **HISTORY**

No recent relevant history

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

### Policies of the South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development

SS1 – Settlement Strategy

SS4 – District Wide Housing Provision

SS5 – Delivering New Housing Growth

SS6 – Infrastructure Delivery

LMT3 – Somerton Direction of Growth

HG2 – The use of Previously Developed Land (PDL) for new housing development

HG3 – Provision of Affordable Housing

HG5 – Achieving a Mix of Market Housing

TA1 – Low Carbon Travel

TA4 – Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 – Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

EQ7 – Pollution Control

### National Planning Policy Framework:

Introduction

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 relevant documents

Somerset County Council Parking Strategy, March 2012 and September 2013.

SSDC's Peripheral Landscape Study – Somerton (April 2008).

## **CONSULTATIONS**

**Somerton Town Council:** Latest comments – Object due to the implications of linking the playgrounds and the concerns over pedestrian access to the site.

Initial comments - Object for the following reasons:

- “Flooding and water drainage concerns, pedestrian safety concerns regarding the bridleway and access to the site plus access to the town centre / trading estate, road safety due to narrowness of Cartway Lane and additional vehicle movements accessing the junction at Langport Road. Concerns raised of the linage or access of the two play areas and safety in this area for users and STC are unable to accept plans based on the assumption that the use of another owners land when they have not been consulted.”

**County Highways:**—No objection. The proposal will not have a severe detrimental effect on the existing highway network. There may be a need to alter the layout at some later point once the technical issues relating to layout have been addressed, however there is a further approval process that will have to be gone through to address this. Recommends an informative and conditions to address the following matters:

- Estate road details;
- Provision of properly consolidated road, footpaths and turning spaces between each dwelling and the existing highway prior to first occupation;
- No works to commence unless a right of discharge has first been obtained and a detailed drainage scheme agreed.
- Prior to commencement submission of a travel plan.

**County Rights of Way:** Noted that there is a public right of way (PROW) running over the site (bridleway L 25/47) and referred to their standing advice.

**County Education:** The numbers on the King Ina school roll are already 13 above forecast. The accumulative effect of an additional 60 dwellings to those of 150 and a further 35 already in the planning process will further exacerbated the pressure on the local school. The Education Authority would therefore wish to seek education contributions. A development of 60 dwellings would require 2 pre-school places, 12 Primary school places and 9 secondary school places. This equates to a contribution of £28,014 for pre-school, £168,084 for Primary and £189,954 for secondary school. In this instance a contribution totalling £386,052 as at today's date should be sought in the event that planning consent is granted.

**Strategic Housing:** We expect 35% of this site should be provided with affordable housing

of which two-thirds should be for social rent. This equates to 21 affordable dwellings of which 14 should be for social rent and should include the following:

- 8 x 1 bed flat (2 person) – 47sqm (preferable to have the appearance of houses)
- 9 x 2 bed house (4 person) – 76sqm
- 3 x 3 bed house (6 person) – 86sqm
- 1 x 4 bed house (8 person) – 106sqm

**Leisure Policy:** Seek a contribution of £128,362 (equating to £2,197 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £96,609 for local facilities, to cover the provision of on-site open space to adjoin the existing play area at Parklands Way and a contribution towards the provision and maintenance of play equipment across both play areas; off-site youth facilities and changing room facilities at Gassons Lane Recreation Ground.
- £17,416 for strategic facilities, to go towards a new studio theatre at the Octagon or towards the stage refit at Westlands Entertainment complex.
- £31,753 as a commuted sum towards local services;
- £1,284 as the Community Health and Leisure Service administration fee.

**Open Space:** Latest comments – Although the section of Open Space that was separated before has now been integrated within the main area of Open Space, the whole area now feels very cramped and due to the repositioning of the Play Area, feels like run off for this rather than its own usable and significant feature. Whilst we support the plan to link the new play area with the existing one at Parklands, this shouldn't be at a cost to the Open Space.

Likewise we understand the need for the location to be in this corner (to protect the Badger Sett) but that doesn't mean all of the Public Open Space needs to be pushed together into this area and again we make the suggestion that some, if not most of the Open Space is positioned in a more central location on the site to create a more community focused area and to further break up the built form.

Initial comments - The plans show 2,726m<sup>2</sup> of Public Open Space, an amount in excess of that required by SSDC. The layout, however, includes a road cutting the site in half. As this road creates a ring road of the site, it will inevitably have a high usage, creating a large safety concern for the Open Space. As well as two of the sites 'visitor parking' spaces located in the middle of the open space, again creating a safety concern.

The addition of the open space located to the west of the road, although brings the provision above the required amount, has been positioned poorly and adds little value to the Open Space and the site as a whole. We would either like to see it fully integrated with the original Open Space design or again make the suggestion of a more central location, creating a community focus and further breaking up the built form.

**NHS:** No comments received

**Police Architectural Liaison Officer:** Has concerns regarding the relationship between the play area, public open space and the three dwellings that abut it. Namely there is no private space afforded to plot 37/38 who by their re-orientation have been awarded guardianship of the public open space and no doubt suffer the consequences. This will also apply to the boundary treatments which I appreciate have not been specified as yet. As these would abut public open space they would have to be of a robust nature to resist vandalism. The number

of trees inhibit any natural surveillance to the play area. I am not happy with the two visitor spaces provided close to where children would be expected to play. Consideration must be given to the play provision for the different age groups and how they interact. Evidence shows that toddlers and teenagers do not mix and the latter can dominate areas resulting in the exclusion of younger age groups.

**Wessex Water:** No objection. Made the following comments:

The site will be served by separate systems of drainage constructed to current adoptable standards please, see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance. The applicant proposes surface water discharge to infiltration where ground conditions permit and outfall sewers to the land drainage system. The surface water strategy will require the approval of the LLFA.

During the pre-planning process the applicant commissioned Wessex Water to undertake a foul drainage network computer modelling exercise to determine the impact of the additional foul flows from the development upon the existing foul sewer network. Modelling indicated a degree of upsizing of the downstream system will be required to accommodate the additional flows and so reduce the risk of flooding and pollution. The applicant has referenced the capacity improvements within the Flood Risk Assessment (1309-002 Issue 1, 8.4.9) and Drawing "Indicative Drainage Strategy for Outline Planning application Subject to Detail Design" EWA1309-002 no 004. Capacity improvements will be subject to requisition arrangements under Section 98 of the Water Industry Act.

Subject to application there is sufficient available capacity within the water supply network to serve the proposals; buildings above two storeys will require on site boosted storage.

Further to recent information provided by a customer please see attached an updated extract from our records showing an existing private water main which we believe crosses the development area. The applicant will need to take measures for protection / diversion of this private main in accordance with Building Regs. Any alteration in connection to the public main will require agreement / application with Wessex Water.

**Lead Local Flood Authority (LLFA):** No objection, subject to a conditions requiring a detailed drainage scheme and its ongoing maintenance.

**SSDC Technical Engineer:** No comments received.

**Conservation Manager:** No objections

**Environmental Health:** Request an informative relating to the possibility of gas resulting from a nearby landfill site.

**Planning Policy:** The development plan for South Somerset comprises the recently adopted (March 2015) Local Plan 2006-28, and the saved policies and proposals from the Local Plan 1991-2011. The National Planning Policy Framework (NPPF) is an important material consideration.

Somerton is identified as a Local Market Town in the Local Plan, where new development should increase self-containment and enhance its role as a service centre (policy SS1).

Around 374 dwellings should be delivered at the settlement over the plan period (policy SS5) – this figure does not represent a ceiling, given the district-wide housing requirement is expressed as a minimum. The proposal is located in Somerton's direction of growth (policy LMT3), where a permissive approach should be taken subject to the overall scale of growth and other policies in the Local Plan (policy SS5). Monitoring data indicates that just 49 dwellings have been built in Somerton over the first 9 years of the plan period (2006-15), but there are a significant number of houses (391) that have planning permission but are not yet started, predominantly at the large Northfield Farm and Langport Road sites. The addition of the proposed 60 dwellings could therefore mean around 500 dwellings being delivered in Somerton, 34% higher than the housing figure for Somerton in policy SS5.

There is no longer a five-year housing land supply in the district. This means that relevant policies for the supply of housing should not be considered up-to-date (NPPF, 49), and permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF; or specific policies in the NPPF indicate development should be restricted (policy SD1 and NPPF, 14). Accordingly, the weight to be given to the Local Plan housing supply policies should be reduced, although not ignored entirely.

The benefits include additional market and affordable housing (broadly compliant with the 35% target in policy HG3). Other Local Plan policies that should be satisfied include EQ1, EQ2, TA1, and TA4-6.

Overall, the location of the proposal is consistent with the direction of growth, but there is potential for the scale of housing development overall at the town to be in excess of the Local Plan figure. This 'excess' (potentially 34% higher) has the potential to disrupt the settlement strategy, although it is acknowledged that housing delivery at Somerton has been slow over the first 9 years of the plan period. As there is not a five-year housing land supply, permission should be granted unless any adverse impacts are identified that would significantly and demonstrably outweigh the benefits.

**County Archaeology:** Awaiting comments.

**Natural England:** Raised no objection. Commented that the development is unlikely to have any significant impact on any national or European designated sites. They made reference to their standing advice and advised that the LPA should consider securing measures to enhance the biodiversity of the site if minded to grant permission. They further advised that they would expect the LPA to assess and consider the other possible impacts resulting from the proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species.

**Ecology:** Agrees with the Ecological Assessment's evaluation of the site as being of generally low or local nature conservation significance only. Recommends the fencing enclosing the play area should be of a design that would prevent access by badgers.

**Landscape Officer:** No objection.

The application site lies within the scope of the peripheral landscape study of the settlement of Somerton, which was undertaken during April 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to; <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>

The outcome of the study is represented by 'figure 5 – landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the site that is before us is evaluated as having a moderate-high capacity to accommodate built development, thus it appears to be a logical growth area to Somerton's west side. Hence in terms of the principle of development, if there is a need to find additional housing land for Somerton in the next phase of the local plan, then there is no in-principle landscape objection to the site offered here.

An appraisal of landscape and visual effects (ALVE) is submitted in support of the application. It evaluates the effect of development impact upon landscape character to be negligible, whilst it notes the visual envelope associated with the development to be closely contained to the application site, for there to be limited visual effects. I do not disagree with those conclusions. It also feeds into the indicative masterplan, which is offered for comment.

Whilst indicative only at this stage, the masterplan has been through a series of changes, two stages of which have passed across my desk at pre-application stage. The latest proposal has evolved satisfactorily from earlier iterations, and appears a satisfactory basis from which to detail a layout. Elements that positively contribute to landscape context include;

- (a) a green buffer zone inclusive of public space and tree-planting between the west face of the housing, and Cartway Lane;
- (b) an open space buffer between this proposal site, and existing housing;
- (c) a new hedgerow to the south, to separate the PROW from the development whilst ensuring linkage at 4 points, and;
- (d) play area located in relation to play space on the adjacent housing site.

I have no further landscape issues with the indicative proposal. Should you be minded to approve, then I shall be seeking a soft landscape proposal to be submitted with any subsequent detailed submission.

## **REPRESENTATIONS**

Written representations have been received from the CPRE (Campaign for the Protection of Rural England) raising the following concerns:

- Impact on the local landscape. The site represents a strategic location in landscape terms being on the periphery of Somerton. We accept that the site is within the local plan's direction of growth however it is important to ensure that there is an acceptable transition between the built form and the countryside. We agree with the LPA's landscape officer's comments in his last two paragraphs about soft landscaping.
- We view Cartway Lane as a boundary beyond which further development should be discouraged particularly in view of the over-provision of housing numbers shown in the local plan (about which the CPRE gave evidence at the local plan inquiry). In the light of current ONS figures the adopted local plan is already out of date needs an urgent review.
- We cannot see any evidence that the applicant has tried to find a site that has been previously developed as opposed to building on this greenfield site.
- Unsustainable. The proposition that a person is likely to walk 20 minutes into the town centre and then back with shopping is not feasible. The development will undoubtedly lead to an increase in traffic volume in the town and generally undermine the



transition to a low carbon future and exacerbate parking problems. The frequency of bus services cannot be guaranteed and may not be regular enough to deter car use.

Written representations have been received from approximately 30 separate local households raising the following concerns and observations:

Principle:

- Is there any need for these houses on a controversial site with so many problems when building has not yet started on the Northfield Farm or Rickesey Lane sites?
- In view of the time it takes to process major developments would it not be preferable to identify more suitable sites?
- Impact on schools and services, shops and jobs in the area.
- Scale of development is too much especially when considered alongside what has already been approved in Somerton.
- The NPPF requires LPA's to meet local housing needs yet only 5 of the proposed dwellings will be flats / maisonettes. Flats are needed as much as houses.
- I am not aware of many new jobs being created in Somerton so building here will increase the likelihood of Somerton just being a dormitory town.
- The economic benefits of building houses is only very short term and does not guarantee work to local people.
- Unsustainable. The site is too far from town to walk.
- Too many dwellings of the wrong type. There should be bungalows.

Landscape:

- Over-development. Too dense.
- Encroaching into green areas and unacceptable to the west side of town.

Highways:

- There is no access to pathways to Somerton without passing through Parklands Way. This also has a direct safety issue on Cartway Lane, especially with HGV traffic passing (as pedestrians will end up walking along Cartway Lane).
- There is no proper provision for future residents of the scheme to be able to walk via Langport Road or Bancombe Road and into Somerton. The bridleway is unsuitable for push-chairs and wheelchairs in dry conditions and is impassable due to mud in very wet weather.
- There must be a proper pavement along Cartway Lane in both directions.
- The access is dangerous, accidents will occur as drivers cannot see the entrance and drivers do not observe the speed limit.
- Will lead to an increase in traffic and parked vehicles in the area.
- Moving the gate crossing the bridleway at the end adjoining Cartway Lane could be a safety issue in that young children could run ahead of parents and into the busy road.
- The pedestrian access through the play areas would encourage properties with insufficient parking spaces to overspill into Parklands Way.
- The emergency access over the bridleway is unnecessary.
- Insufficient on-site parking.
- The bridleway cannot be used by motor vehicles.
- I cannot see the need to make all the proposed changes to the bridleway for a few extra pedestrians.
- The bridle path is unlit.

#### Residential amenity:

- Object to the positioning of an electrical cabinet behind my property due to any potential noise and electrical risks to my property and family.
- We have a huge fly / pest issue in the summer, the addition of the pond will make this worse.
- Loss of peace and quiet.
- Loss of privacy through increased overlooking.
- My property (42 Parklands Way) will have public overview from 3 sides and will completely open to public scrutiny which will be intolerable.
- Concerned that the open space and tree planting back on to my property. Large trees would block my light.

#### Open space and play areas:

- The joining up of the play areas will lead to them being used as a direct access to Bancombe Road, the trading estate and Langport Road. This will make the play areas unsuitable for use as play areas as constant supervision will be required. The existing play area is currently secure and suitable for use by young children.
- A 30m buffer zone has been created on the new estate but houses in Parklands Way will be much closer to the new play area than this.
- The linking of the Parklands play area with the play area in the new development will compromise the safety of the children playing in both sites as the park will become a walkway from the new development into town etc.
- The new play area remains only 11 metres from my house (and only 8 metres from my neighbour) even though the applicant was required to have a 30 metre buffer zone between the new play area and the nearest habitable dwelling. In the interest of fairness this rule should be applied equally to existing properties.
- Our children can currently play without risk in the existing play area as it is enclosed. The opening / joining of the new play area with this will ruin the play area exposing my children to traffic risks and giving pedestrians from the new development access to Parklands Way exposing our property to increased risk of crime / antisocial behaviour.
- The proximity of the play area to the badger set is a health hazard. The children could disturb the badgers and sustain injuries and there could be problems with infection through the badger droppings.
- Concerned about the long-term maintenance of the open space and that it could become unkempt.
- Allowing an access through into the existing play area will result in dog faeces in the area making it unusable by children.

#### Drainage and flooding:

- Inadequate provision for removal of surface water.
- The increased amount of surface water from the site will increase the potential for flooding in Parklands Way and also in areas to the south of the site. The pond is not sited to help with this problem.
- Flooding occurs to the northeast of the site through the area designated as a play area, the existing play area and into Parklands Way.
- There is plans for a pond directly behind our property and we are worried that in extreme weather conditions the pond may overflow and flood our property.
- In recent years there has been run-off from the field on to our estate which has cause surface water problems with some properties, pedestrian access in the bridle path, Parklands Way play area and on the adjacent path.
- The capacity of the drainage in the town has been raised many times should this development tap into the current mains drainage network.

- Somerton does not have a history of flooding, lets keep it that way.
- The increase in built form will greatly reduce the soakaway capacity of the site and increase run-off rates into Parklands Way.
- Flood events are expected to be more frequent and more severe. The 'once in a hundred years' basis for drainage calculations is flawed.
- The adjoining ditch along the east boundary is owned by the properties in Parklands Way.
- The resulting increased flooding could render 88 existing houses either uninhabitable or uninsurable.

#### Other matters:

- How will the emergency access route be secured to prevent it becoming a vehicular thoroughfare is not clear.
- Concerned that the proposal may result in part of their field hedge (immediately to the south of the proposed emergency access) having to be removed to enable emergency vehicles access.
- Impact on the natural environment and wildlife.
- There are bats in the southeast corner of the site.
- The bridleway is one of the great wildlife corridors in Somerton, this should not be allowed to change.
- The current position of the bridleway gate, adjacent to Cartway Lane, ensures vehicles cannot be parked in the gateway which would then lead to an obstruction to our field gateway. Its revised position will lead to such problems.
- The mains water supply that serves our farm (Edmonton Farm) crosses over the application field. It needs to be guaranteed that our water supply will not be interrupted or adversely affected by the development.
- There is no mention of the electricity supply that runs along the eastern edge of the field.
- Clause 3.5 of the D&A statement, which states that the land is grade 3 and that there is no justification for its retention for agriculture, is offensive. If all grade 3 land were taken out of agriculture people would go hungry.

## **CONSIDERATIONS**

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

- The principle of development;
- Impact on local landscape and visual amenity;
- Residential amenity;
- Highway safety;
- Flooding and drainage;
- Provision of open space and play area;
- Ecology;
- Other planning obligations.

#### Principle

Somerton is identified as a local market town in the local plan, where new development should increase self-containment and enhance its role as a service centre (policy SS1). The application site is located within Somerton's direction of growth, as set out within LP policy LMT3, where a permissive approach should be taken to new development, subject to the

overall scale of growth coming forward and other LP policies. Policy LP sets out a minimum housing delivery requirement of 374 dwellings for the plan period (2006-2028). Cumulatively the proposed development along with that already built and permissions granted brings the level of housing that could come forward in Somerton to nearly 500 dwellings, which is approximately 34% greater than the minimum housing figure proposed for Somerton.

At the present time SSDC cannot demonstrate a five-year housing supply. Under such circumstances para. 49 of NPPF states that relevant policies for the supply of housing should not be considered up to date. It goes on to say that permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the local plan. Accordingly the weight to be given to the LP housing supply policies should be reduced, but not completely disregarded.

When considering the planning balance of this proposal it must be recognised that the additional market and affordable housing that will be provided will make a positive contribution towards meeting SSDC's five-year housing supply and should be accorded considerable weight in favour of the scheme. It should also be born in mind that the development is located within the direction of growth for Somerton.

Whilst the scale of overall growth for the town exceeds that set out within the local plan, this is a minimum figure, and Planning Policy has acknowledged that housing delivery in Somerton over the first 9 years of the plan period has been slow (just 49 dwellings). Therefore, whilst the overall scale of growth has the potential to disrupt the settlement strategy it is not considered that this has now reached such an excessive level as to be a reason to refuse this application or that it should outweigh the benefits that this additional housing will provide to the district bearing in mind SSDC's present lack of five-year housing supply. The principle of the proposed development is therefore accepted subject to any other adverse impacts being identified that would significantly and demonstrably outweigh this benefit.

Further to the above, the site comprises grade 3a agricultural land and as such is considered to be best and most versatile agricultural (B&MVA) land. Paragraph 112 of the NPPF requires LPA's to take into account the economic and other benefits of the B&MVA land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The use of B&MVA land formed one of the key criteria when considering Somerton's direction of growth for the local plan, given the site's location within the direction of growth it is considered that this issue has already been satisfactorily addressed and should not be a reason to object to this application.

#### Landscape impact and visual amenity

The application site lies within the scope of the peripheral landscape study of Somerton undertaken in 2008, which identified the site as having a moderate to high capacity to accommodate built development. The Council's Landscape Officer agrees with the findings of the landscape and visual effects appraisal that accompanies this application that the effect of the development upon landscape character will be negligible and the visual envelope associated with the development is closely contained to the application site.

The applicant is seeking layout as a matter to be agreed at this stage and overall this amended proposal is considered to represent an acceptable layout visually that incorporates

a number of positive features including a green buffer zone and tree-planting along the west boundary with Cartway Lane; an open space buffer between the new built form and the existing housing to the east; and, hedgerow planting along the boundary with the bridleway. On this basis the landscape office has raised no objection and the overall scheme is considered to raise no substantive landscape or visual amenity concerns.

### Open space and play area

Local objections have been raised in respect of the linking of the proposed open space and / or play area with the existing play area located in Parklands Way, to the effect that this raises safety concerns for the use of the existing play area and the possibility of dog fouling as a result of the resulting pedestrian access and security concerns to residents of the wider Parklands Way development. Other concerns include the proximity of the new play area to existing houses and the badger set, which could pose a health hazard, and queries about the long-term maintenance of the open space to ensure that it does not become unkempt.

The size of the proposed play area and open space meet the requirements of Leisure Policy and Open Spaces teams, however, concerns have been raised by the Police Architectural Liaison Officer, Open Spaces Officer and Leisure Policy Officer in regard to the configuration of these facilities and the lack of surveillance over the play area

In response to these concerns and in consultation with the Leisure Policy team the layout of the open space and play area have been amended, including the omission of the link road that originally intersected the open space and the repositioning and reconfiguration of the play area to a more central position within the open space so that it is now more equidistant to the new houses and the existing houses. Whilst this position falls short of the 30 metre buffer between play areas and houses preferred by Leisure Policy, unfortunately such a distance results in other issues such as a lack of natural surveillance of the play area and therefore an increased risk in the possible misuse of the area resulting from anti-social behaviour. It is noted that the Open Spaces Officer would prefer to see the open space located more centrally within the development as a whole and as a space defined separately from the play area. It not considered however that such an arrangement would make for an improved layout for the scheme as a whole and would in any case make the issue of a buffer zone around the play area even more problematic.

The Police Architectural Liaison Officer has noted that the dwellings at plots 37 and 38 front immediately on the area of open space without any defensible space to protect them against potential anti-social behaviour issues in the future. An amended plan to include this element is awaited from the applicant.

In respect of forming a pedestrian link from the open space to the existing play area in Parklands, this is not explicit on the proposed layout plan however it is anticipated that such a link would be made. Notwithstanding the local concerns, this is considered to be a positive feature by the Leisure Policy team, especially as the two play areas would be meeting the needs of different age groups, i.e. the new play area for older children and the existing play area for younger children. Such a link would be beneficial for both the existing householders at Parklands as well as the new development. There is no evidence to support the view that this proposal would lead to a security risk to existing properties or lead to the misuse of the existing play area.

Whilst the proximity of the play area may still be of concern to the residents in Parklands Way, Environmental Health has raised no objection to this feature and it is not considered that the revised position of the play area will give rise to any significant residential amenity concerns.

For the reasons set out above this element of the scheme is considered to be acceptable.

### Residential amenity

Matters relating to the open space and play area have been addressed in the previous section of this report.

Other concerns raised by local residents include the position of an electrical cabinet and potential noise and health and safety risks, flies / mosquitoes resulting from the pond, loss of peace and quiet, overlooking and loss of privacy and loss of light resulting from the proposed planting along the eastern boundary.

Given the residential nature of the proposed development it is considered to be entirely compatible in terms of its use with the neighbouring residential development to the east. There is nothing within the proposed layout of the scheme that indicates that the proposal will lead to any unacceptable loss of privacy or be unduly harmful generally to the residential amenities of the existing properties. The Council's Environmental Health officer has raised no concerns about issues relating to the pond and proliferation of flies / mosquitoes or noise or other health and safety risks from the electricity cabinet indicated within the southeast corner of the site.

This application is not seeking to agree landscaping at this stage and so all planting marked on the submitted plans are indicative only at this stage. Having said this it is anticipated that there should be some robust planting along the east boundary of the site, however, this should include only suitable planting that will not cause problems at a later time for the adjoining householders. This matter however will be dealt with at reserved matters stage.

On this basis the development is not considered to give rise to any substantive residential amenity concerns.

### Highway safety

Somerton Town Council and local residents have expressed concerns in respect of the pedestrian linkage from the site, the use of the bridleway for this purpose and the lack of any footway provision along Cartway Lane. Issues relating to the level of traffic generated by the scheme, volume of traffic already using Cartway Lane and levels of parking provision are also noted.

The highway authority however has raised no objection to the development and has raised no capacity concerns in terms of the level of traffic that the proposal is likely to generate and its impact on the local highway network. They have also accepted the new vehicular access, emergency access and pedestrian access arrangements. The Council's Rights of Way Officer has confirmed that it is within the applicant's control, with the agreement of the County Rights of Way team, to make alterations to the surfacing of the bridleway to ensure that it is of an appropriate standard (including for use by wheelchair users and pushchairs) to enable it to serve as a pedestrian linkage to the rest of Somerton. On this basis a pavement along Cartway Lane to either Langport Road or Bancombe Road is not considered to be necessary, especially as this would be a less direct route to get into town.

The LPA's Rights of Way Officer has confirmed that although the bridleway should not be used by motor vehicles there are exceptions to this which include as a means of access to the land by the landowner or as a means of access for an emergency. On this basis there is no legal issue with the proposed use of the bridleway as an emergency access.

The re-positioning of the bridleway gate where the bridleway leads on to Cartway Lane is not considered to give rise to any significant highway safety concerns. It is not clear why in its revised position set further back from the carriageway edge that there should be an increased risk of pedestrian's / children running out into the road. This revised position is required in order that the farmer can gain access to their field to the south of the site (the gateway is within the southwest corner of the site).

The level of parking provision indicated on the layout plan appears to accord with the highway authorities parking strategy which sets out a requirement for the Somerton area of 1.5 spaces for a 1 bedroom property, 2 spaces for a 2 bedroom property, 2.5 spaces for a 3 bedroom property and 3 spaces for a four bedroom property. On this basis there is no evidence to support the view that the proposal will lead to on-street parking issues.

For these reasons the proposal is not considered to give rise to any substantive highway safety concerns.

### Drainage and flooding

The statutory consultees for drainage and flood matters in this instance are the Lead Local Flood Authority (LLFA), i.e. Somerset County Council, and Wessex Water, neither of whom have objected to this application. The LPA's own drainage engineers were also consulted but have not provided comments.

The application site is within flood zone 1 and is therefore not considered to be within an area at risk of flooding. Local residents have raised concerns about surface water drainage and that the scheme may result in increased run-off from the site that could affect their properties. A Flood Risk Assessment accompanied the application and the LLFA assessment of this and the proposed drainage strategy is that the proposal presents an opportunity to improve the present run-off rates from the site and as such has raised no objection subject to conditions requiring a detailed surface water drainage scheme and a scheme to secure its future responsibility and maintenance.

In respect of foul drainage, Wessex Water has noted that a degree of upsizing of the downstream system will be required to accommodate the additional load from this development. Wessex Water has raised no concerns about the need for these capacity improvements and it is accepted that they will be dealt with separately under Section 98 of the Water Industry Act. On this basis the proposal is not considered to raise any foul drainage concerns.

Therefore, subject to the imposition of the LLFA's conditions it is not considered that the application should be objected to on the basis of flooding or drainage.

### Archaeology

The applicant has provided additional information in response to County Archaeology's initial objection. This information is currently with County Archaeology for their consideration and their comments will be reported verbally to committee.

### Other matters

- Ecology – The Council's Ecologist is satisfied with the submitted ecological assessment and its findings. Subject to conditions relating to the fencing for the play area to prevent access by badgers and to deliver biodiversity enhancements in line with the recommendations of the NPPF.

- To ensure the bridleway does not become a vehicular thoroughfare a gate that can be locked but with a built in separate gate that allows for walkers, horse riders and cyclists to pass through uninhibited can be fitted. A condition that agrees the design of this gate and how it will be secured to prevent access by motorised vehicles is proposed as part of the officer's recommendation.
- The farmers who farm the adjoining field to the south are concerned that part of their hedge may be at risk as a result of the emergency access. The submitted swept path drawings however confirm that no part of their hedge will need to be removed to facilitate this access and the developer has confirmed that they have no intention of carrying out any works to their hedge.
- The revised position of the bridleway gate, adjacent to Cartway Lane, will leave space for vehicles to park. The parking of a vehicle in this location however would be trespass and would also be unlawful in terms of driving a motorised vehicle and causing an obstruction to a public right of way, a matter controlled by other legislation.
- A mains water supply passes over the site and is the sole water supply to Edmonton Farm a short distance to the north and the farmer is concerned that the development could affect this. This matter is a private civil matter to be addressed between the two parties, it has however been brought to the applicant's attention who has confirmed that they are aware of their obligation to maintain this water supply.

### Contributions

A Section 106 Agreement is required to secure the following:

- Provision of the on-site equipped play area and open space and contributions at a rate of £2,197 per dwelling towards the local and strategic play, sports, arts and leisure facilities;
- 35% of the dwelling units as affordable housing and to remain so in perpetuity;
- Financial contributions amounting to £386,052 to provide two additional pre-school places, 12 additional primary school places and 9 additional secondary school places;
- Details of the surfacing of the bridleway and its on-going maintenance, to the satisfaction of the LPA, for the emergency access track and the pedestrian link from the site to the point where it is already hard surfaced.

On the basis of these planning obligations being secured the proposal would comply with policies SS6, HG3, TA4 and HW1 of the local plan.

### EIA Regulations:

The scheme falls below the required threshold which necessitates a screening opinion.

### 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 local plan, it is considered that 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 granting permission. Subject to no objections being raised by County Archaeology, it is accepted that all outstanding matters of detail can 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 the relevant policies of the local plan and subject to no objections being raised by County Archaeology the application is recommended for approval.

## **RECOMMENDATION**

That application reference 15/03585/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 £129,645 (or £2,197 per dwelling) towards offsite recreational infrastructure, to the satisfaction of the Development Manager in consultation with the Assistant Director for Health & Wellbeing broken down as:
    - £96,609 for local facilities;
    - £17,416 for strategic facilities;
    - £31,753 as a commuted sum towards local services;
    - £1,284 as the Community Health and Leisure Service administration fee.
  - (b) The provision of land for the provision of on-site equipped play space and their on-going maintenance through a management plan to the satisfaction of the Development Manager in consultation with the Assistance Director for Health & 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 Development Manager in consultation with the Corporate Strategic Housing Manager.
  - (d) A contribution of £386,052 towards the cost of providing additional pre-school, primary school and secondary school places, to the satisfaction of the Development Manager and consultation with Somerset County Council.
  - (e) A scheme of maintenance for the long-term maintenance of the areas of open space, to the satisfaction of the Development Manager.
  - (f) Details of the surfacing of the bridleway and its on-going maintenance in relation to the provision of the emergency access track to the site and the pedestrian link from the site to the point where the bridleway has already been hard surfaced, to the satisfaction of the Development Manager.

### **Reason:**

Notwithstanding the local concerns, the provision of up to 59 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, flooding and drainage 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 aims

and objectives of policies SD1, SS1, SS4, SS5, SS6, LMT3, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

**Subject to the following conditions:**

01. Details of landscaping and appearance (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 development hereby permitted shall be carried out in accordance with the following approved plans location plan received 05/08/2015 and drawing numbered 13-840-203-G received 14/04/2016.

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

04. The development hereby permitted shall comprise no more than 59 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 EQ2, SS6 and HW1 of the South Somerset Local Plan

05. The development hereby permitted shall not be commenced unless details of the fencing to enclose the on-site equipped play area, of a design that would prevent access by badgers, shall be submitted to and agreed in writing by the local planning authority. The agreed details shall thereafter be fully implemented and shall be permanently maintained and retained in this fashion.

Reason: In the interest of public health to accord with policies EQ2 and E Q7 of the South Somerset Local Plan.

06. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

Reason: For the enhancement of biodiversity in accordance with policies EQ4 and EQ5 of the South Somerset Local Plan and Part 12 of the National Planning Policy Framework.

07. Prior to the commencement of development full details of the proposed access shown on drawing number EWA 1309-002-00-C-003 received 05/08/2015 shall be submitted to and agreed in writing by the local planning authority. Once approved such details shall be implemented prior to the commencement of development, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

09. 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 TA5 of the South Somerset Local Plan.

10. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out 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 TA5 of the South Somerset Local Plan.

11. 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 residential amenity and highway safety to accord with Policies EQ2 and ST5 of the South Somerset Local Plan.

12. No vehicular or pedestrian access shall be formed from the site directly on to the public right of way (bridleway L 25/47) other than the proposed emergency access point detailed on the approved plans.

Reason: In the interest of the amenities of users of the bridle way and to safeguard highway safety to accord with policies EQ2 and ST5 of the South Somerset Local Plan.

13. No works shall commence unless details of the new gate at the western end of the public right of way (bridleway L25/47), to include measures to prevent vehicular access (other than for emergency vehicles and for maintenance purposes), have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with these agreed details.

Reason: In the interest of the amenities of users of the bridle way and to safeguard highway safety to accord with policies EQ2 and ST5 of the South Somerset Local Plan.

14. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable development and to accord with policy TA4 of the South Somerset Local Plan.

15. No work shall commence unless a surface water drainage scheme for the site, based on the Flood Risk Assessment reference 1309-002 dated May 2015 prepared by Eric Woodgate & Associates, has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to maximise disposal of surface water through infiltration. Any runoff leaving the site shall be limited to the greater of 5l/s and 2l/s/ha for all storm events up to the 1 in 100 year plus climate change. The volume of attenuation storage shall be determined from the 6 hour duration 1 in 100 year plus climate change storm event. 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 and where possible reduce the risk of flooding overall, as required by the National Planning Policy Framework.

16. The development hereby permitted shall not be occupied or brought into use unless a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing 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 and where possible reduce the risk of flooding overall, as required by the National Planning Policy Framework.

#### **Informatives:**

1. The application site is within 250 metres of a suspected landfill site. The applicant / developers attention is drawn to the fact that there is the potential for the production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and / or developer. Accordingly, the applicant / developer is advised to seek independent expert advice regarding the possibility of the

presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies. For further information please contact Sally Ann Webster at SSDC (tel: 01935 462528).

2. The applicant's attention is drawn to the comments set out within the email dated 14/08/2015 from Michael Hardwill of Somerset County Council's Rights of Way department.
  3. The applicant's attention is drawn to the LPA's Ecologist's comments which note that the measures outlined in Section 5.3 of the Ecological Assessment could be appropriate in respect of condition 05.
  4. The applicant's attention is drawn to the highway authority's concerns that the road layout may need to be altered when agreement for the detailed road details are sought and that the granting of this permission does not override any concerns raised at technical approval stage.
  5. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
  6. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.
  7. The applicant is reminded that there is a mains water supply that crosses over the site and supplies Edmonton Farm and that they will need to ensure that the water supply to this property is not adversely affected as a result of this development.
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