

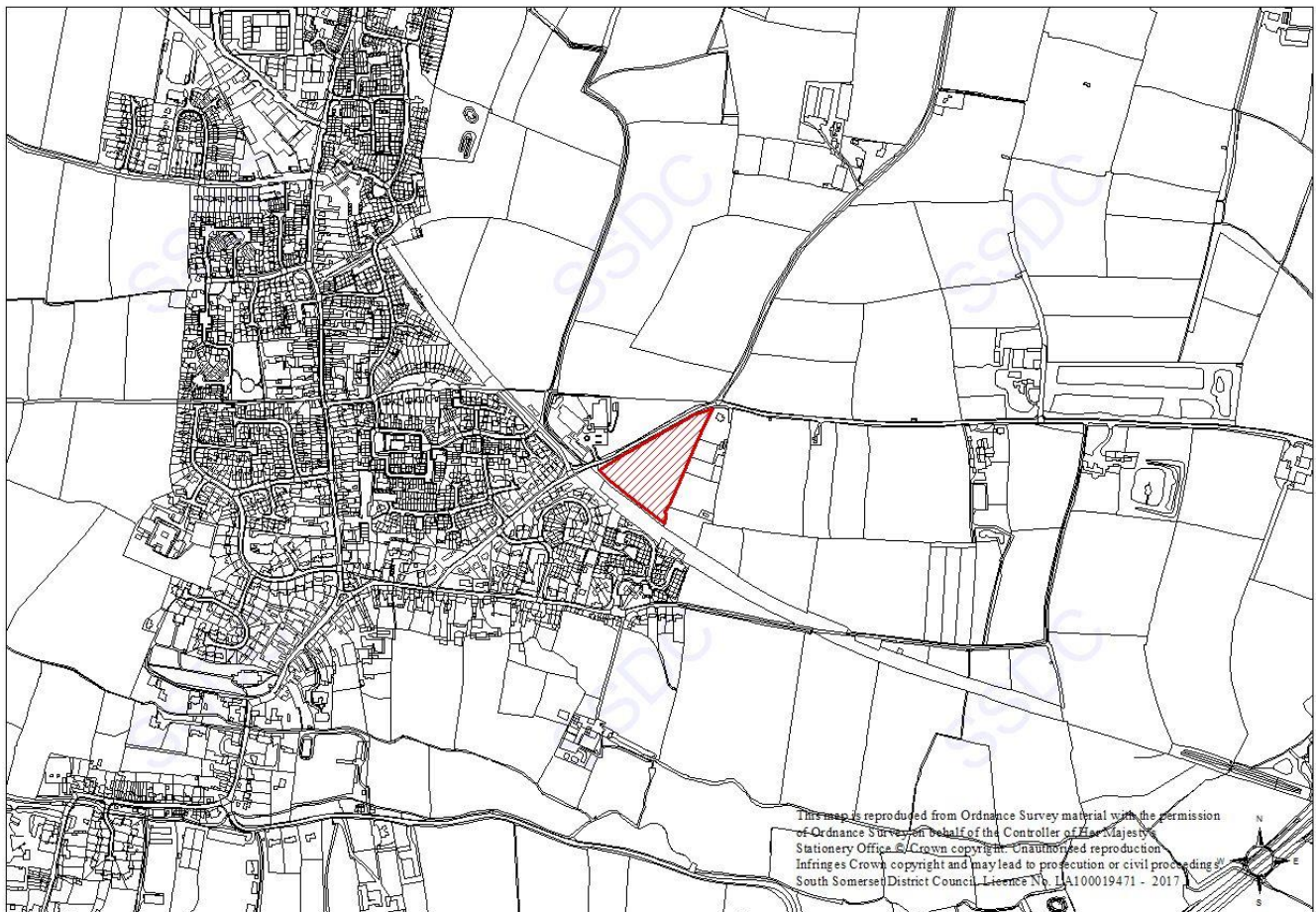
Officer Report On Planning Application: 16/02783/OUT

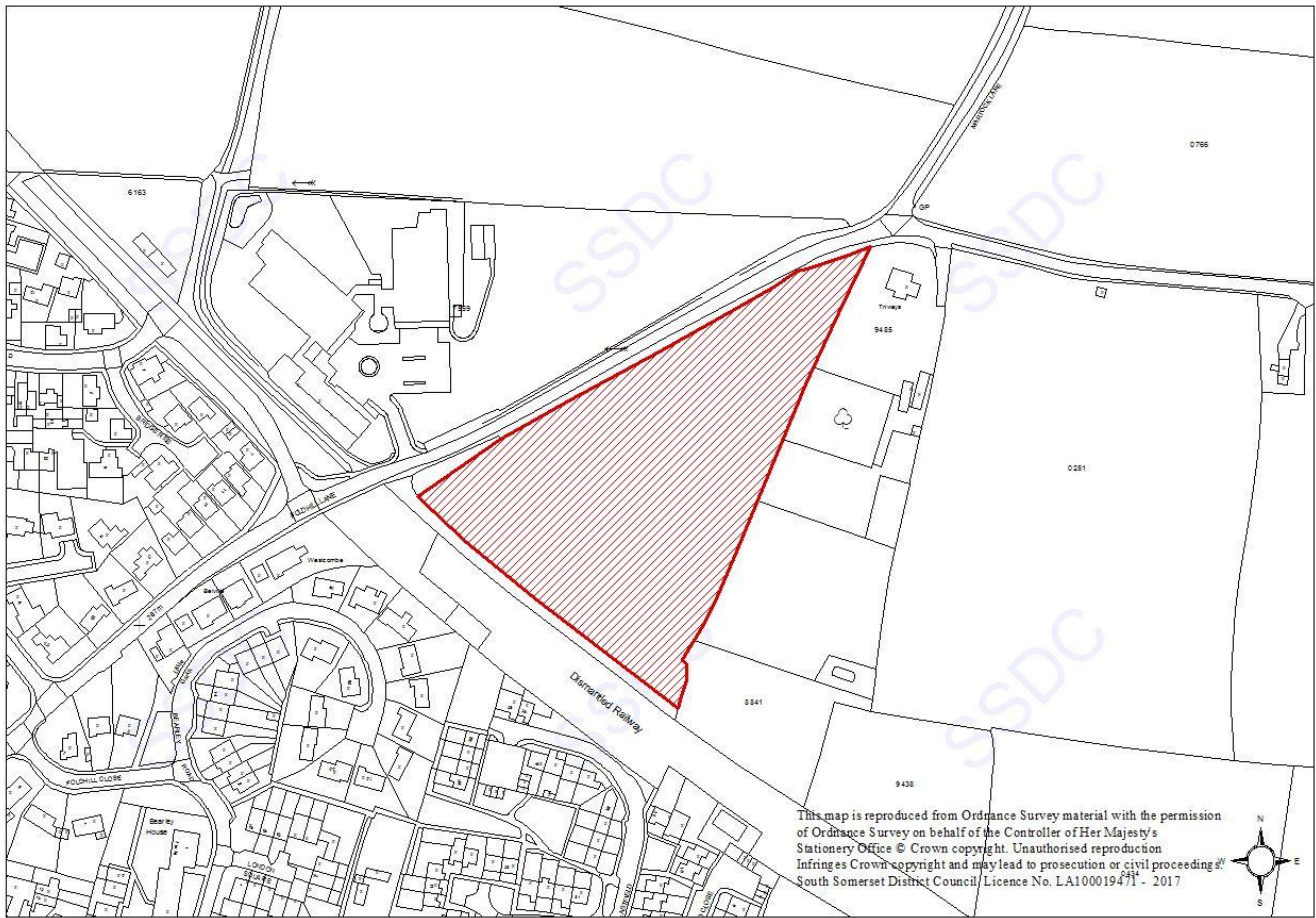
Proposal :	Residential development of up to 24 dwellings.
Site Address:	Land Adjacent Triways, Foldhill Lane, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	John Millar, Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	5th October 2016
Applicant :	Martock Farms Ltd
Agent: (no agent if blank)	Mrs Janet Montgomery, Wessex House, High Street, Gillingham SP84AG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member, with the agreement of the Area Chair, to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The site is triangular plot of agricultural land on rising ground to the western edge of Martock, off Foldhill Lane. It covers approximately 1.57 hectares and is located beyond the defined development area of Martock. The site is bounded by mature hedgerows and trees to all boundaries and is physically divided from the developed edge of the village by a dismantled railway line, which is now also heavily planted. This former railway line (Durstun to Yeovil branch line) is a designated archaeological site. Public footpaths run along the south and east boundaries of the site, with the eastern footpath within the site itself. The nearest development comprises modern housing development to the north of East Street, such as Bearley Road and Moorlands Park. A residential care home has recently been built on the land opposite the application site, on the north west side of Foldhill Lane, land which is also outside of defined development limits. A neighbouring property (Triways) is positioned on land immediately north of the site.

An application for outline planning permission for the development of up to 46 houses, with all matters reserved (14/01330/OUT), was refused in 2014. A revised application (14/04123/OUT) for up to 35 houses was considered at Area North Committee on 25th March 2015. This was also refused, as it was considered that it would have an adverse impact on local landscape character and that there was insufficient information provided to properly address the drainage of the site. The applicant submitted an appeal following refusal of 14/04123/OUT, however this was dismissed by the Planning Inspectorate.

This application seeks to address the previous reasons for refusal of planning application 14/04123/OUT. It now comprises an application for outline planning permission for the development of up to 24 houses. It was submitted with all matters reserved, however has since been amended to include the determination of layout and access at outline stage. A detailed drainage strategy has been submitted with the application, as has a detailed indicative landscape scheme, in order to seek to address the previous drainage and landscape impact. The drainage strategy has been formulated

following discussions with the Local Lead Flood Authority (County Council Drainage).

The application is supported by:

- Planning Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Ecology Survey
- Statement of Community Involvement

HISTORY

14/04123/OUT: Outline application for residential development of up to 35 dwellings - Application considered at Area North Committee on 25th March 2015. Refused on the basis of lack of justification and adverse impact on local landscape character, and the provision of insufficient information for the drainage of the site to be properly addressed. A subsequent appeal was dismissed.

14/01702/EIASS: (EIA Screening and Scoping Request) Outline application for residential development of up to 46 dwellings - Screening opinion issued - EIA not required.

14/01330/OUT: Outline application for residential development of up to 46 dwellings - Application refused on the basis of an adverse impact on local landscape character, provision of insufficient information for the drainage of the site to be properly addressed and also a failure to demonstrate within the course of the application that there would be no severe impact on highway safety.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

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

EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Climate Change
Conserving and Enhancing the Historic Environment
Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking
Water Supply, Wastewater and Water Quality

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

Martock Peripheral Landscape Study (2008)

Martock Sustainable Development Plan (July 2013)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments
Goal 4 - Quality Public Services
Goal 8 - Quality Development
Goal 9 - Homes
Goal 11 - Environment

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. The full responses are available on the public planning file.

Martock Parish Council: Recommend refusal of this application on the following planning grounds:

- That the application lacks sufficient detail on how the risk of overloading the drainage system would be managed in such a way as to prevent flooding issues further down Foldhill Lane, East Street and the surrounding area. The natural drainage of this land has changed so that it now flows into Foldhill, overloading the drains despite previous objections from the Somerset Drainage Board that

additional water was not to flow upstream of Martock.

- That both the Somerset Drainage Board and the Environment Agency should be consulted before the application is considered.
- That the lack of safe access for pedestrians and cyclists on to Foldhill Lane, where national speed limits apply and where a pavement cannot be installed, is not addressed.
- That if approved, this application would bring the total number of new dwellings committed or approved in Martock since the start of the current planning period to 278 which is 48 above the allocation of 230 as set out in the Local Plan 2006-2028, and described in the Laver's Oak appeal decision as being a reasonable development over the Local Plan period.
- That the application's supporting data contains inaccuracies, for example, the existence of a Tesco development now withdrawn, carried forward from an earlier version and compromising the reliability of information upon which the consultees will base their decisions.

County Rights of Way: No objection in principle, although highlight the applicant's obligations in respect to the existing public footpath.

Police Crime Prevention Design Advisor: No objection, however has made comments in respect to avoidance of blank gable ends abutting public open space or car parking areas, measures to protect vehicles from crime from the public footpath, and whether car parking area will be lit. These are matters that would be addressed at detailed design stage.

County Archaeology: The site lies very close to the medieval town and in a landscape where prehistoric and Roman remains are likely to be present. In this particular case, it is felt that any archaeology can be dealt with through a condition.

For this reason it is recommended that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

County Education: County Education have confirmed that they will not be seeking any contributions in respect to this application.

SSDC Environmental Protection Officer: Suggested conditions requiring the investigation and implementation of an appropriate remediation strategy in the event of contamination and/or landfill gas being identified on site, due to the proximity to a historic landfill site.

Wessex Water: No objection in principle. Wessex Water confirm that while they are yet to receive a preliminary layout or application for the adoptable drainage, they expect to be able to review and agree in principle to surface water on-site S104 design subject to Consent to discharge & Rate of discharge approval. It is noted that Wessex Water cannot adopt crate storage, swales or ponds but we can include tanks, storage pipes, flow control chambers and headwalls/outfalls. They further advise that if the LPA are satisfied with the proposals to mitigate flooding risk, then they will be able to make sure the S104 sewers are constructed to the appropriate standards. It is noted that further that further modelling is required for the foul sewer system, in order to assess capacity and advice on a suitable connection point to the existing foul system. This is can be actioned following receipt of information and instruction from the applicant's drainage consultants and agreement of the surface water strategy.

Following receipt of the additional drainage information submitted during the application, Wessex Water confirm that they have no further comment in relation to surface water disposal and defer to the Lead local Flood Authority to advise on this matter.

SSDC Housing: 8 affordable units (based on 24 in total), is expected. A split of 6 units for social rent and 2 for shared ownership or other intermediate solutions, is expected. Properties should be pepper potted

throughout the site, prevailing minimum space standards should be adhered to and a schedule of approved Housing Association partners should be included within the s106. The rented units will be expected to be made available to anyone registered on Homefinder Somerset.

SSDC Community, Health and Leisure: A contribution of £94,998 (£3,958 per dwelling) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

- £65,159 towards local facilities.
- £7,413 towards strategic facilities.
- £21,486 as a commuted sum towards local services.
- £941 as the Community, Health and Leisure Service administration fee.

It is recommended that £38,557 is required upon occupation of the first 25% of the proposed dwellings, £49,028 upon the occupation of 50% of the proposed dwellings and the final £7,413 upon occupation of 75% of the proposed dwellings.

SSDC Open Spaces Officer: As there is a provision of Open Space shown on the outline layout plan for this application, we wouldn't seek an off-site provision. We would like to note, however, that although we wouldn't look to adopt this area, if it does come over to SSDC, we would seek a commuted sum for a 10 year maintenance period.

Environment Agency: No objections, subject to imposition of informatives relating to flood risk, pollution prevention during construction and water efficiency.

Somerset Drainage Boards Consortium: The Board has again initially raised concerns about the suggested surface water drainage disposal strategy and future maintenance of the infrastructure proposed. Advise that they would expect to see a robust and fully maintained surface water drainage scheme submitted in support of the application.

Following the consideration of additional drainage strategy details, some of the Drainage Board objections have been addressed or partially alleviated, however there are some concerns remaining. In particular they would like to see additional measures taken to accommodate off-site surface water from the wider Foldhill Lane catchment area within the site, thereby further reducing flows from Foldhill Lane towards East Street and the village centre. Some concerns also remain in respect to the long-term management and maintenance of the sustainable drainage, existing watercourse, and downstream culvert and associated pipework, although it is acknowledged that the revised drainage management plan does go some way to addressing this concern, if not fully. It is acknowledged that this information could be obtained by way of a suitably worded condition.

The Drainage Board conclude by advising that in order to remove their objection, they would wish to see the proposal offering a reduction in downstream flood risk, not just maintaining the status quo.

County Highway Authority: Note that the proposal represents a reduction in likely vehicle movements from the previous scheme, which the Highway Authority did not object to. As such there is no objection in principle. The Highway Authority have highlighted useful points in respect to on site drainage to consider in formulating the final detailed drainage design. There are some mixed comments in respect to visibility, with the Highway Authority seemingly accepting a visibility splay of 60m in some comments, while requesting the previously agreed 82m in other comments. The applicant has confirmed that the proposed visibility splays extend to 82m either side of the proposed access, therefore this level of visibility will be requested by condition. The Highway Authority have requested additional conditions in respect to the technical specifications of the proposed highways, visibility, gradient of drives, right to discharge for surface water and the provision of a Construction Environmental Management Plan.

SSDC Ecologist: The Ecologist has advised that his comments from previous application 14/04123/OUT should be carried forward:

The ecological survey (David Leach, April 2014) is noted. This didn't identify any particularly significant wildlife issues. NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife (e.g. native species planting, bird boxes) within new developments. It is therefore recommended that any consent should include a condition requiring details of measures for the enhancement of biodiversity to be submitted for approval and subsequently implemented.

Further to the above comments, I was contacted by a member of the public about this site. She recounted a conversation some 20 years ago with a former owner of the site about a possible rare plant that a specialist was going to come and have a look at. She didn't know what the outcome was but wondered whether there might be any relevant records and whether it may be pertinent to the current application.

I've checked with the records held at the Somerset Environmental Records Centre (SERC) - the most likely place for any such records. There are some 'notable' plant species recorded in the wider area. However, the location of these records is only low resolution (10km square) and there aren't any records specific to this site. All the same, I visited the site today to check for any notable or rare arable weeds. Unfortunately the land had been very recently ploughed and tilled and only bare earth was visible. The margins of the field had a dense, well-established cover of coarse grasses, nettles, hogweed and docks; a habitat type that is very unlikely to have any plants of conservation significance.

Given the recent agricultural management, it was inconclusive whether the site has any notable arable weeds. However, I consider the potential for this to be the case to be low, and I don't consider it to be a justifiable constraint to the proposed development.

Somerset Wildlife Trust: Have advised that the same comments as those made for refused planning application 14/04123/OUT apply, thereby requesting that enhancements be provided in respect to mitigation measures such as number of bat/bird boxes, use of native species planting, design of external lighting and boundary fencing. It is requested that the additional detail is required by condition.

Lead Local Flood Authority (County Council Drainage): Note that the development indicates an increase in impermeable areas that will generate an increase in surface water runoff, with potential to increase flood risk to adjacent properties or the highway, if not adequately controlled. It is also acknowledged that the applicant has included details of the use of swales and attenuation to restrict post development surface water runoff rates and volumes from the site to greenfield rates for the 1 in 10 year return for all storms up to and including the 1 in 100 year plus 40% for climate change. Current submitted calculations show the existed culverted watercourse as having the capacity to convey 1 in 10 year flow but anything greater will cause the system to surcharge. It is further noted that the applicant proposes off site maintenance in the form of cleaning the surveyed section of culverted watercourse as part of the detailed drainage design prior to connections of the surface water drainage system, should consent be granted.

The LLFA have confirmed that they are supportive of the proposed drainage plans, in principle, however in their initial comments advised that the applicant had not provided sufficient detailed calculations or supporting layout and design information for the proposed drainage designs. Therefore no objections were raised subject to the inclusion of a drainage condition requiring the approval of a final drainage scheme, including details of a programme of implementation and maintenance for the lifetime of the development.

It is noted that more detailed information was submitted subsequently, including supporting calculations, formal submission of layout for approval and detailed design of swales

SSDC Tree Officer: Comments received in relation to original planning application 14/01330/OUT The site is enclosed on all three sides by a species-diverse hedgerow, with some hedgerow trees of various ages and species within. The mature Ash adjoining the proposed site entrance (please refer to Fig 1 below) is suffering significant die-back and ought not to constrain development. However, there are a number of healthy young Oaks and Field Maples within the hedgerow, which could be conveniently retained ('promoted as standards') within a future site-layout. I also recommend re-introducing a scheme of hedgerow management techniques such as laying, coppicing and gapping-up to regenerate the sparser areas and to make other sections more manageable for future residents.

I have no objection to this outline proposal, on the basis that a scheme of tree & hedgerow management & protection is secured. I also recommend securing a scheme of tree and shrub planting.

SSDC Landscape Architect: Following the submission of amended plans to strengthen the planting scheme proposed for the application site, the Landscape Architect made the following comments:

The prime landscape issues relate to the general elevation of the application site above the adjacent level of residential Martock, and its location outside the alignment of the former (disused) rail-line, which currently defines a clear residential edge, for the development proposal to appear at variance with local character. In response to landscape issues, the illustrative plan before us has indicated the retention of the existing tree and shrub cover along the southern edge, which will assist in supplementing the screening of the lower part of the site, which is a positive step. I also note that the plan has drawn the extent of development back from the higher ground, indicating its northeast edge to correspond to the 37m contour, to better relate it to the care home footprint to the northwest of the site, and to limit the general elevation of development. The inference of the plan that this residential edge of 6 units will be no more than 1.5 storey, for the proposal to have some effectiveness.

These amendments will help to reduce the landscape impact of the development proposal, as its general elevation will not be so markedly at variance with that of the existing housing edge, and the more compact arrangement of housing is also a better arrangement relative to adjacent built form. However, I recollect that the planning inspector stated (para 11) in the appeal decision ...
... 'However, there would be some landscape harm from the incursion into open countryside and I conclude that the proposal would neither conserve nor enhance the landscape character of the area, which is a requirement of Local Plan policy EQ2.'

The peripheral landscape study of Martock did not consider this location to be a logical extension of the settlement's built form, and I agree with the Inspector's view, that there is a landscape case that can be made against development here - which the appeal decision appears to support - due to the breaching of what is a strong residential boundary (the former rail line) - and the general elevation of the site above and beyond adjacent residential form, to provide landscape grounds for refusal, LP policy EQ2. However, the latest layout changes relating to tree and shrub retention; and reduction in extent of the site, and the scale of its northeast edge (as indicated by the amended plans) are seen as positives, such that the potential landscape impact is moderated to a degree that the level of impact is potentially little more than minor-adverse. This level of adverse impact upon local landscape character will be a consideration under LP policy EQ2 to weigh in the planning balance.

SSDC Technical Services: After the initial submission of this application, concerns were still raised about lack of detail in respect to calculations, design and siting of attenuation features, outfall and inlet arrangements and prevention of sediment build up. Following this, a detailed layout of the site was submitted as a matter to be determined at outline stage, along with more detailed design of the proposed detention basin features, including submission of sections for the proposed basin. Other information including the detailing of silt traps, along with an indicative drainage management plan have been provided. Following further correspondence between the applicant's drainage consultant and the Council's Drainage Engineer, other concerns in relation to design have been alleviated and the Council's Engineer is now satisfied that the submitted drainage strategy is suitably detailed to address his

previous concerns and ensure that post development surface water runoff can be adequately attenuated on site and discharged at a rate and volume no greater than greenfield rates and volumes. A pre-commencement condition requiring the final design of the drainage features to be approved by the LPA/LLFA is requested.

REPRESENTATIONS

16 letters of objection have been received from 9 local residents, raising concerns in respect to the proposed development. The objections raised relate to the following areas:

- Despite the reduction in the number of houses, there is insufficient change to approve a scheme that has been previously refused.
- Concerns regarding flood risk, including potential impact on East Street. It is also felt that there are inaccuracies in the drainage strategy, as well as insufficient information being provided.
- Harm to local landscape character due to the extension beyond the established village boundary formed by the old railway line.
- Highway safety concerns, including risk to safety of pedestrians and cyclists.
- Martock has had enough new houses approved. The scheme, along with other houses planned for Martock, will put an unacceptable strain on local facilities, such as doctors, dentists and schools.
- Adverse impact on local residential amenity, particularly during a lengthy construction phase.
- Disruption to wildlife and natural habitats.

CONSIDERATIONS

History and Principle of Development

Outline permission for the erection of houses on this site has been twice refused previously, with the most recent being for the erection of up to 35 dwellings under planning application 14/04123/OUT. This particular application was refused at Area North Committee on 25th March 2015, for the following reasons:

01. The proposal for 35 houses, for which no special justification has been put forward, would extend beyond the logical boundary formed by the old railway line. As such the proposal would result in an alien and incongruous extension of the built form of Martock into the open countryside with an unwarranted loss of 'best and most versatile' agricultural land. As such the proposal is contrary to policies SD1, EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

02. Notwithstanding the additional information, insufficient details have been provided within the submitted Flood Risk Assessment to enable the drainage of the site to be properly considered. As such the proposal is contrary to policy EQ1 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

Reason for Refusal 01 - Lack of Justification and Impact on Local Landscape Character and Visual Amenity

The first refusal reason relates to the a lack of justification for development, as well as the impact on the character and appearance of the locality as a result of breaking through the existing village edge boundary formed by the former railway line at this location. Both of these elements of the refusal reason were addressed by the Planning Inspector when determining the appeal against refusal of planning permission 14/04123/OUT.

In terms of justification, the Inspector considered that the Council's inability to demonstrate adequate supply of housing land overcame this first part of the refusal reason, particularly as it would contribute to existing shortages of both market and affordable housing. The Inspector afforded this benefit, along with the associated employment generation through construction, considerable weight in their determination. Notwithstanding this, the Inspector did share the views of the Local Planning Authority in respect to the impact on open countryside, concluding that there would be some harm from the incursion into open countryside that would neither conserve nor enhance the landscape character of the area. The Inspector also noted that the indicative layout offered very limited opportunity for additional landscaping to provide enhancement, which would exacerbate the impact on local character.

In submitting this revised application, the number of houses has been reduced to a maximum of 24, which both reduces the built presence on site but also frees up more space to provide greater opportunities for landscape enhancements, as well as proposed surface water attenuation measures. There is a clear improvement on the previously refused scheme, however this does still include the need to break the existing natural boundary at the village edge. In considering the revised proposal, the Council's Landscape Architect has acknowledged that the amendments to the proposal to reduce landscape impact, and that the inclusion of improved tree and shrub retention, and reduction of the extent of the site are seen as positives, however does maintain an in-principle objection to the breaching of the strong residential boundary and the general elevation of the site above and beyond adjacent residential form. The conclusions of the 'Martock Peripheral Landscape Study' and the Inspector's comments are considered to support this view. While raising an objection on landscape grounds, the Landscape Architect does advise that the level of impact is potentially little more than minor-adverse, noting that the level of adverse impact will be a consideration to assess in the determination of this application.

In giving weight to the concerns identified, consideration is given to the view that there will be some harm, as identified by the previous planning decision, comments of the Planning Inspector, as well as those of the Landscape Architect. However this will be weighed against the improvements to the scheme that offer a vastly improved opportunity for a credible landscaping scheme, as well as noting that the Landscape Architect views the harm as little more than minor-adverse. This is clearly a very subjective matter, with it possible to take a view either way, however noting the improvements to the scheme, including the reduction in built form, it is considered difficult to make a recommendation that the proposal would be so significantly harmful to refuse on landscape grounds alone, particularly considering some of the benefits of the development in respect to meeting existing housing shortfalls within the district. This recommendation is a very balanced one, however it is considered that the level of harm identified does not warrant refusal of the scheme on grounds of adverse impact on landscape character and appearance.

Reason for Refusal 02 - Insufficient Information to Satisfactorily Consider Drainage Proposals for the Site

The application was refused on the basis of insufficient drainage strategy details being provided to be satisfied that the site could be drained properly, without adversely impacting on existing, well-known drainage and flood risk problems, downstream of the site. Again the Inspector agreed with the reason for refusal, sharing the view that insufficient information has been provided to satisfy the LPA and offer relevant drainage consultees, that the site would be able to be drained properly. In particular, the Inspector identified the lack of information in respect to the ability to comply with technical standards for SuDS, future maintenance and right to discharge, and failure to carry out infiltration testing. The potential measures for achieving a sustainable drainage system was also limited by the indicative layout, site topography and proposal for a set number of houses, which limited flexibility to deal with unresolved drainage matters. The Inspector made it clear that they were not persuaded that a detailed drainage strategy could be left to reserved matters stage and that this along with details of maintenance of the highway culvert and discharge to the adjoining highway drainage system should be resolved prior

to the grant of planning permission.

In response to this, the applicant has submitted a much more detailed drainage strategy, which has been expanded on further during the course of the application, as well as agreeing to the site layout to be determined at outline stage. The drainage strategy has been formulated following detailed discussions with the Lead Local Flood Authority (LLFA), the Environment Agency (EA) and the Somerset Drainage Board. As well as proposing a reduction in the housing numbers, and resulting impermeable areas, the applicant has carried out percolation testing, which effectively rules out the implementation of infiltration techniques on site. The proposal therefore includes the provision of a detention basin to the south west edge of the site. Following investigation of other options for discharging surface water from the development, it is still proposed to discharge to the culverted watercourse in the south west corner of the site, as per the existing situation. The proposed detention basin would allow for the attenuation of excess surface water, as necessary. Detailed designs have been submitted for the proposed detention basins, which have been designed to cater for runoff up to the 100 year (+40%) critical storm event. Discharge rates are to be limited to 3.3l/s for all return periods, up to and including the 1 in 100 year runoff rate inclusive of climate change. The proposed drainage strategy is therefore designed to ensure that surface water runoff rates and volumes resulting from this proposed development would be limited to equivalent greenfield rates and volumes for the operational lifetime of the development.

A drainage maintenance strategy has also been proposed which identified necessary measures to keep the drainage scheme operational and well-maintained. It is most likely that a management company would be appointed to carry out the maintenance of drainage systems that have not been adopted by Wessex Water. The developer would not be expected to be responsible for the existing highway culvert, however the drainage maintenance plan identifies one-off pre-commencement works to the existing culvert which drains the site beneath the public footpath at the western corner of the site. This includes the full clearing and inspection of this culvert, as well as the repair of any damage that would impact on the long-term operation of the culvert, the principle of which is welcomed by the LLFA.

On this basis, and taking into account the now detailed drainage strategy submitted, both the LLFA and Council Drainage Engineers, are satisfied that there is sufficient information and detail to be satisfied that the site can be appropriately drained, with sufficient capacity to attenuate surface water, even in extreme conditions, to ensure that surface water runoff into the existing drainage systems does not exceed greenfield rates and volumes. It is therefore now considered appropriate to be able to condition the final detailed drainage scheme at reserved matters stage.

The Somerset Drainage Board do still object, although they are also satisfied with the principle of the on-site drainage arrangements. The Drainage Board do however still object on the basis that they would wish to see the opportunity taken for provision within the drainage strategy for additional reduction and management of surface water emanating from the Foldhill catchment area, thereby reducing flows into East Street and beyond. While this is noted, this request would require the applicant to manage water that does not at present enter the site, or contribute to surface water runoff within the site. It is considered unreasonable to expect the applicant to address additional off-site runoff or to refuse planning permission on these grounds. The applicant has provided a detailed drainage strategy, along with confirming the proposed layout of the site and design of attenuation features, demonstrating capacity. It is considered inappropriate to require the applicant to control surface water runoff beyond greenfield rates. As such, the recommendation is that the revised scheme appropriately addresses the previous refusal reason.

Settlement Strategy

The Local Plan identifies Martock as a Rural Centre and as such has been identified as a sustainable location for growth. A strategic housing target of 230 dwellings has been proposed over the plan period (2006-2028), of which according to the latest collated figures (July 2016), 77 were complete and a total

of 175 committed (total 276). The Parish Council have objected to the proposal for several reasons, including that there is an over-provision of housing proposed for Martock. With the local plan strategic housing target of 230 dwellings already having been exceeded without taking into account this proposal, and recent appeal decisions (Ringwell Hill and Lavers Oak) telling against large scale increases in the level of housing in Martock so early in the Local Plan period, this is matter for serious consideration. In these aforementioned appeals, the schemes proposed 49 dwellings and 91 dwellings respectively, equating to a 32% and a 50% increase in housing provision over the strategic housing target. In both cases it was considered that this level of development would comprise an overprovision of housing well beyond the broad levels envisaged for this settlement, thereby constituting a substantial failure to accord with the settlement strategy set out in Local Plan policies SS1, SS4 and SS5.

In considering the increase comprised within this application, it should be noted that the housing figure of 230 dwellings is a target, not a maximum, and under Policy SS5, a permissive approach will be taken for housing proposals, in advance of a Site Allocations Development Plan Document. The inability of the LPA to demonstrate adequate provision of housing land also needs to be given appropriate weight. What is clear is that there are useful appeal decisions setting a level at which additional housing may be considered to be unacceptable, however this does not demonstrate that any exceedance of the housing figures would not be appropriate. It should be further noted that the planning applications referred to above were considered to be unacceptable on other grounds too, with the overprovision of housing adding to the harm identified. In this case, the scheme would represent a further increase in 24 dwellings, taking the numbers built or committed in the Local Plan period so far to 276, which exceed the settlements strategy figure by 46 houses, or 20%, which is clearly lower than the other identified sites. Overall, it is not considered that an additional 24 dwellings is such an increase over and above the strategic housing target to be considered so harmful to be unacceptable or considered to comprise unsustainable development, particularly noting the District-wide shortage in market and affordable housing. This could of course be a material consideration in assessing overall harm should other matters not be addressed satisfactorily, however the increase over projected housing figures of 20% is not considered to be so unacceptable as to warrant being a sole refusal reason.

Highway Safety

No changes are proposed to the access arrangements, which were previously considered to be acceptable by the Highway Authority, despite objections being received in respect to the potential impact on highway safety in the area, particularly due to the relative narrow width of Foldhill Lane by the site and the potential increase in traffic movements within the locality.

The only main difference appears to be that the Highway Authority appear to have accepted the appropriateness of a vehicular visibility splays of 2.4m by 60m, which is less than the previously agreed 2.4m by 82m in each direction. Notwithstanding this, the applicant has confirmed in the course of the application that the proposed 2.4m by 82m still applies, as do proposed off-site works to provide a footpath on the west side of Foldhill Lane.

As before, the Highway Authority have also considered the indicative layout and are satisfied that there appears to be sufficient space to provide the appropriate road widths, turning heads and required levels of parking, etc. No further concerns are raised at this point, with full details to be considered at the technical stage.

Residential Amenity

The site lies within open countryside and is not related to any non-residential use that would be considered to have any adverse impact on future residents, in the event of planning permission being granted. Similarly, the proposed development is not considered to have any adverse impact on residents within the nearest residential development to the south. One contributor has referred to the possibility of overlooking as a result of the elevated ground, however the distance from properties to the

south is in excess of 70 metres and is separated by the heavily planted former railway land.

Any impact on local residents as a result of this proposal is more likely to occur during the short term construction phase. In order to reduce any adverse impact, a condition will be imposed requiring a Construction and Environmental Management Plan (CEMP) to cover work hours, vehicle movements, parking, etc.

Public Rights of Way

A public right of way passes to the south and east of the site. The eastern footpath is actually within the application site and would appear to be obstructed by the proposed development as shown on the indicative site layout. The County Rights of Way Officer has commented on the proposal and while raising no objections in principle for this matter to be addressed and it does not present a reason for refusal.

Ecology

The Council's Ecologist has assessed the habitat surveys carried out on site and is content that no significant wildlife issues were identified. The Ecologist has also referred to a conversation with a member of the public, who was under the impression that there may be rare plant species within the site. Having visited the site and noted a lack of presence of any such plants and also noting that the site has recently been in agricultural use and has been ploughed and tilled, no further issues have been identified. A condition has however been recommended requiring biodiversity enhancements, such as appropriate native species planting and provision of bird boxes.

Archaeology

The site is located close to the medieval town and in a landscape where Roman and Prehistoric remains are likely to be present. Despite this, the County Archaeologist is content that this matter can be addressed by a condition requiring the archaeological investigation of the site and the provision of a report on any discoveries.

Planning Obligations

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £94,998 (£3,958 per dwelling).

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. The Council's Strategic Housing Team have identified a requirement for 8 affordable units, with a split of 6 units to be social rented and 2 units shared ownership or other intermediate solutions.. Further discussions will be required before reserved matters stage to assess the property types required based on data from the Housing Register The provision of appropriate levels of affordable housing will need to be factored into any S106 agreement.

Should consent be granted, a Section 106 agreement will be required to address these matters identified above.

Conclusion

Paragraph 6-8 of the National Planning Policy Framework make clear that the purpose of the planning system is to achieve sustainable development, and that sustainable development has three dimensions such that the planning system must perform three mutually dependent roles, which are economic, social and environmental. The roles are to be south jointly and simultaneously. In refusing planning permission previously (14/04123/OUT), and noting the dismissal of the subsequent appeal, it was considered that

proposal failed to meet the environmental criteria necessary for the proposal to be considered as sustainable development.

In assessing this revised application, it is considered that refusal reason 2 (drainage) can be deemed to be properly addressed, although there is still a degree of harm identified in relation to local character and appearance (refusal reason 1). In giving apportioning weight to the various benefits and identified harms resulting from this development, it is not considered that the harm to landscape character is sufficient to constitute a recommendation of refusal, although Members will of course wish to debate this matter and consider what weight should be given to the concerns raised. Otherwise, full consideration has previously been given to the other relevant planning matters, with no changes in circumstances identified that would give cause for objections to be identified at this stage.

RECOMMENDATION

The application be approved subject to:-

- (i) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:
 - (a) The agreed contribution towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority).
 - £65,159 towards local facilities.
 - £7,413 towards strategic facilities.
 - £21,486 as a commuted sum towards local services.
 - £941 as the Community, Health and Leisure Service administration fee.
 - (b) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority).

and;

- (ii) conditions, as set out below:

01. Notwithstanding the local concerns, the provision of up to 24 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to local flood risk, archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

03. The site and layout hereby approved for development shall be as shown on the submitted location plans '14022-1 Rev C' and '14022-2 Rev M', and as identified on preliminary drainage layout plan 'PDL-101 Rev D'.

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

04. The residential component of development hereby approved shall comprise no more than 24 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 SS6, HG3, EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.

05. No work shall commence on the development site until a surface water scheme based in sustainable drainage principles (including highways drainage), and land drainage scheme for the site, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The surface water drainage scheme for the site, shall be based on the hydrological and hydrogeological context of the development and shall include details of gullies, connections, soakaways and means of attenuation on site, and shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter, in accordance with the details and timetable agreed.

To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with policies TA5, EQ1, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of chapters 4, 10, 11 and the core planning principles of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

Reason: To ensure satisfactory drainage at the site and for the prevention of flood risk, in accordance with saved policy EU4 of the South Somerset Local Plan.

07. The access hereby approved, including proposed off-site improvements, shall be constructed in complete accordance with details, as indicated on the submitted plan 'C14411/T05 Revision B'. The access shall be fully constructed in accordance with these approved details before the dwellings hereby permitted are first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

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 interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

10. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 82m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

11. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

12. Prior to the occupation of any dwelling hereby approved, a Measures Only 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. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety, in accordance with policies TA4 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

13. A detailed landscape strategy, including a tree and hedge protection plan to BS5837, shall be submitted with the onsite landscape proposals, to be approved in writing by the Local Planning Authority. Such approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 10 of the National Planning Policy Framework.

14. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied, unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with saved policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 11 of the National Planning Policy Framework.

15. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, involving geophysical survey, trial trenching and excavation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure the adequate opportunity is afforded for investigation of archaeological or other items of interest, in accordance with the provisions of chapter 12 of the National Planning Policy Framework.

16. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028).

17. Before the construction of the dwellings hereby permitted commences the applicant must either:
- (a) Investigate the site for landfill gas to the satisfaction of the LPA, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the LPA. Or;
 - (b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

For a. and b. all required measures shall be installed before the development is first occupied.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028).

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

Reason: To safeguard residential amenity and highway safety, in accordance with policies TA5 and EQ7 of the South Somerset Local Plan (2006-2028 and the provisions of Chapter 4 and the core planning principles of the National Planning Policy Framework.

Informatives:

1. You are reminded of the contents of the Environment Agency's letter of 2nd August 2016, which is available on the council's web-site.
2. You are reminded of the contents of the County Highway Authority's letter of 19th December 2016, which is available on the council's web-site.
3. You are reminded of the contents of the Police Crime Prevention Design Advisor's letter of 19th July 2016, which is available on the council's web-site.
4. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under S171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Traffic and Transport Development Group, County Hall, Taunton, Tel No. 0300 123 2224. 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.

The fee for a S171 is £250.
