

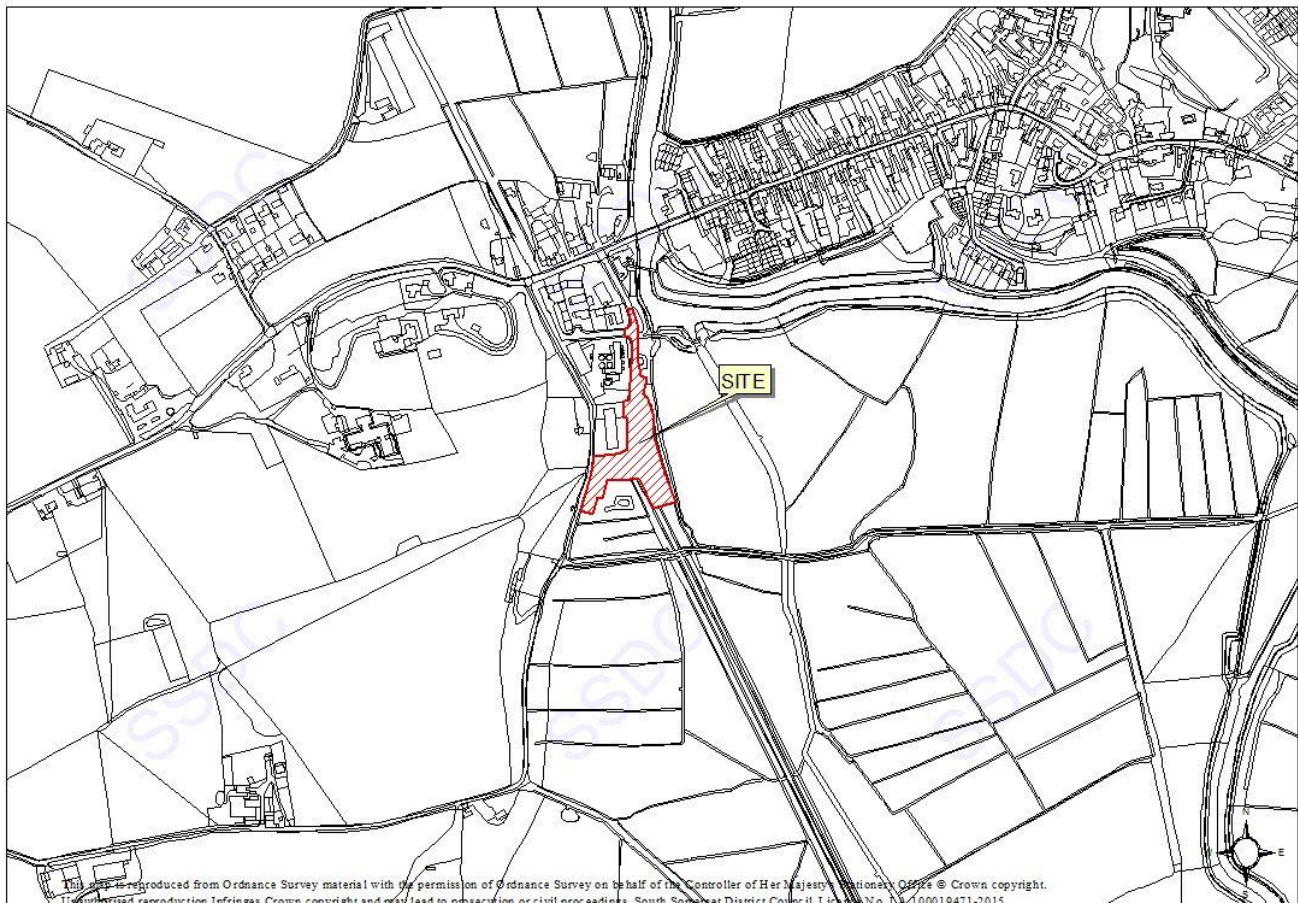
Officer Report On Planning Application: 16/04191/OUT

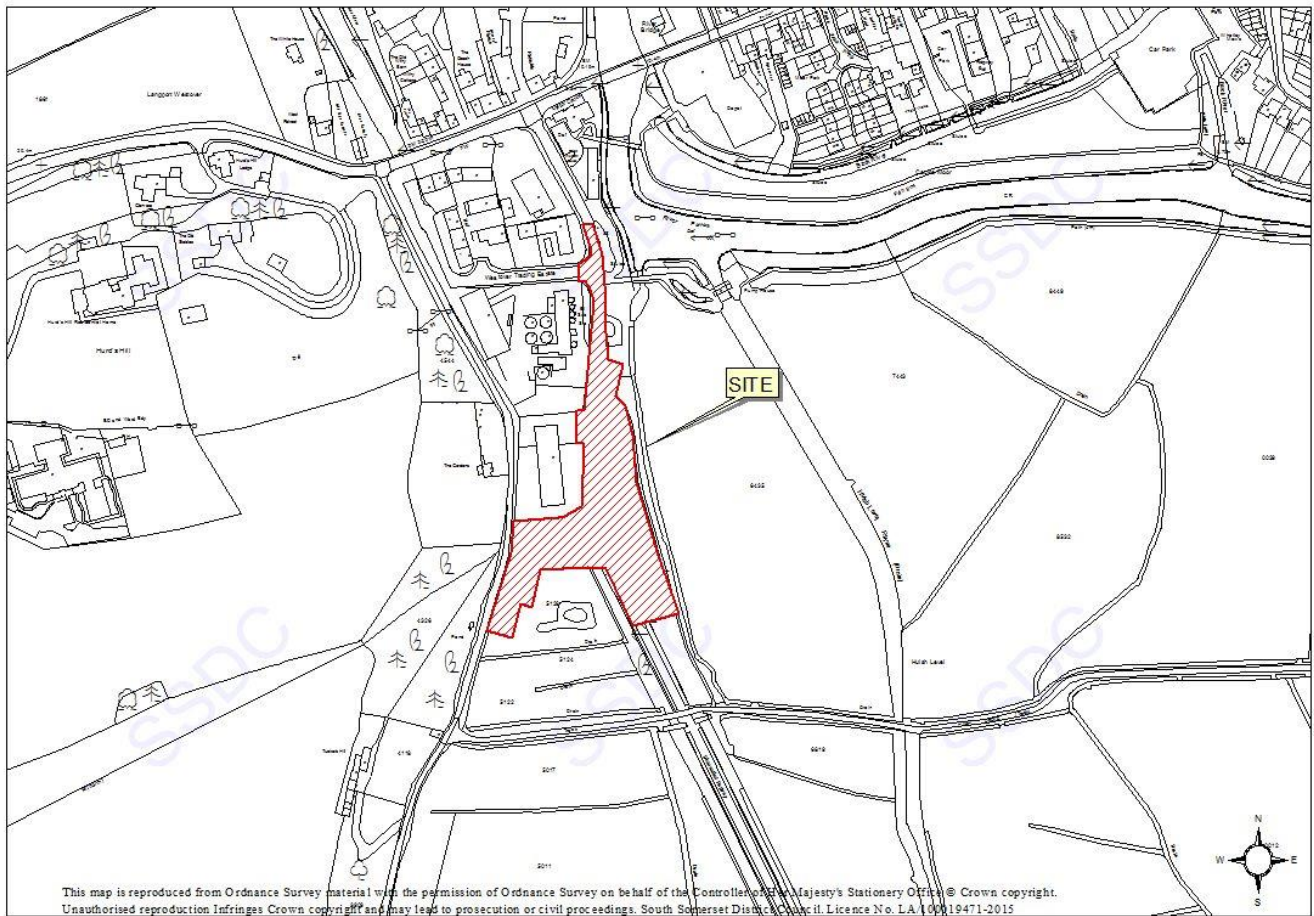
Proposal:	Outline application (only access to be determined) for up to 22 dwellings, employment units up to 790 m sq for B1 use and raising of site levels to form flood defences.
Site Address:	Land At Willows Business Park, Westover Trading Estate, Langport.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr C Aparicio Paul
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date:	29th December 2016
Applicant:	Mr Rees
Agent: (no agent if blank)	Mr Robin Upton, Hawkridge House, Chelston Business Park, Wellington TA21 8YA
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the application in the light of the nature of the site, its location, and the public interest expressed.

SITE DESCRIPTION AND PROPOSAL





The site is located on the southwestern edge of Langport, within the defined development area and adjacent to a County Wildlife Site and RSPB site. It falls within the Westover Trading Estate, which has a dedicated access road linking to Bow Street (A378) at its western end. Immediately north of the site, which is currently undeveloped, are industrial buildings. The land to the south is within the wildlife site.

Permission was granted (12/01724/OUT and 15/02975/REM) for the erection of commercial buildings arranged in three blocks served by an internal access road. The proposal made provision for around 2,945 sq metres of workspace, with the western most proposed building adjacent to Frog Lane being used for B1 use and the two other proposed buildings being used for a mix of B1, B2 and B8. The proposals also incorporated flood protection measures in the form of raised site and access levels, which would protect the proposed development as well as benefitting existing business premises from flooding.

Application has now been made for outline permission to develop the bulk of the site for residential purposes (up to 22 dwellings), with a smaller section to accommodate employment units of up to 790 sq m (B1 use). As previously, the proposal includes a scheme to raise the level of the access area in the interests of flood defence to both this site and nearby business premises.

HISTORY

15/02975/REM - Erection of employment units for B1, B2 and B8 use (Reserved Matters of Outline planning permission 12/01724/OUT) - permitted with conditions

12/01724/OUT - Proposed erection of employment units for B1/B2/B8 use - permitted with conditions

11/05062/OUT - Proposed erection of employment units for B1/B2/B8 use. Application withdrawn on 07/03/2012.

11/05072/EIASS - Proposed employment development. Opinion that EIA not required given on 11/01/2011.

98/02573/FUL - Erection of extension to warehouse, carry out landscaping operations and bunding for flood prevention scheme. Granted conditional approval on 02/09/1999.

98/01642/R3D - Construction of cycle path. Granted conditional approval on 07/08/1998.

942311 - Erection of three industrial buildings (class B1 use) together with car parking facilities and landscaping (outline renewal). Granted conditional approval on 13/11/1996.

892655 - the erection of three ne. industrial buildings (for use within class B1) together with car parking facilities and landscaping (outline). Granted conditional approval on 29/01/1990.

892654 - The use of building as a non-retail warehouse. Granted conditional approval on 24/10/1989.

810250 - Reserved matters: The erection of Phase 2 of factory development. Granted conditional approval on 12/03/1981.

800364 - Outline: The erection of phases 2 and 3 of factory. Granted conditional approval on 27/03/1980.

800365 - The erection of phase 1 of factory. Granted conditional approval on 27/03/1980.

770669 - Extension of existing trading estate road. Granted conditional approval on 18/07/1977.

78842/C - Development of land for industrial sites and tourist caravans. Granted conditional approval on 26/03/1974.

78842/B - Development of land for industrial sites and tourist caravans. Application withdrawn.

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
SS3 Delivering New Employment Land

SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
SS7	Phasing of Previously Developed Land
LMT2	Langport/Huish Episcopi Direction of Growth
EP3	Safeguarding Employment Land
HG2	the Use of Previously Developed Land (PDL) for New Housing Development
HG3	Provision of Affordable Housing
HG5	Achieving a Mix of Market Housing
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
EQ7	Pollution Control

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Huish Episcopi Parish Council: *No objections to the improved access arrangements. The Council is clear that, as this application progresses, Planners must ensure that any planning permission requires the business units to be built in several phases alternately with the residential housing. The Huish Episcopi/Langport area desperately needs increased local employment far more than housing, after the major residential development over the last five years. The Council remains very aware that these safeguards were not in place at the Old Kelways development, eventually ending in the loss of the promised employment units to further domestic housing. Westover is essentially a business, rather than residential, area and the business units must take priority.*

Langport Town Council: Initial comment: *Langport Town Council discussed Planning Application 16/04191/OUT and reviewed the submissions from other consultees. Langport Town Council took the*

unusual step by not agreeing with Huish Episcopi Parish Council's response. This is probably because we considered this application with the full knowledge of County Highways opinion. Langport will be adversely affected by an increase in traffic and Councillors last night agreed with the comments raised by Ben Sunderland of Somerset County Council's Traffic and Transport Development Group (Highways Development Control), but wishes to see a creative solution achieved to allow some form of development on this site to proceed.

The Highways Authority reviewed its position (see below), and on re-consultation, the Town Council commented: no objections/observations.

Highways Authority: An initial objection was raised, which was responded to by the applicant. In their final comment the HA notes: *It would appear that the proposals have helped to overcome the concerns that the Highway Authority raised in our original consultation response....Taking the above into account, the Highway Authority therefore does not wish to raise an objection and formally withdraw their previous objections. Subject to conditions.*

SSDC Highway Consultant: *The existing National Cycle Network (NCN) route that runs along the eastern boundary of the site - formerly route 33 but now route 339 - is a privately owned route licensed to SSDC. This planning application provides an opportunity (potentially, the only opportunity) to upgrade the route to a 3.0m wide facility that could be formally dedicated to the County Council as a public bridleway, so that the route can be safeguarded in perpetuity. The surface could remain as per the existing (a stone to dust construction). Details would need to be submitted to the County Council and the dedication of the route would need to be processed by that same Authority.*

The justification for seeking the upgrade would be to maximise permeability and to improve access to the development site on foot and by bicycle, i.e. to accord with policies TA1 and TA5 of the SS Local Plan. The upgrade could be secured by way of a condition, with details to be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

SSDC Land Officer and Legal Services: The issue of the permissive footpath along the eastern boundary of the site (land belonging to the applicant) is raised : 'The existing National Cycle Network (NCN) route that runs along the eastern boundary of the site - formerly route 33 but now route 339 - is a privately owned route licensed to SSDC. This planning application provides an opportunity (potentially, the only opportunity) to upgrade the route to a 3.0m wide facility that could be formally dedicated to the County Council as a public bridleway, so that the route can be safeguarded in perpetuity.'

SSDC Landscape Officer: *This is finely balanced. There was reluctant support for the industrial units (application 15/02975) on the basis that they would be fulfilling a need, which I assume had been identified in the local plan. Certainly had an application come in initially in this form, there would have been little landscape support. However, with the potential for built development now confirmed across this site by the earlier employment approval, the landscape position is now compromised to a large degree. However, whilst one form of development would be replaced by another of a comparable scale, there are a number of issues that raise concern, being:*

- a) *as viewed across the river from the town, this proposal will project building form further toward the open moorland;*
- b) *this proposal extends the residential footprint of the town further south than is locally characteristic, to impact upon the moorland edge, and;*
- c) *the effect of development will result in a proportion of willow and thorn scrub that currently buffers the site to be removed, and to a greater degree than was required by the employment proposal.*

As previously stated, the landscape position was never particularly supportive, and it is the additional activity and nightlight attendant with residential use; and the increased southward form that give me

some concern. This is countered to a degree by the separation of the residential forms, such that there is less singular mass as that projected by the employment units; and the planted edge treatment suggested by the landscape statement. Consequently, whilst the proposal does not have landscape support, I do not consider the incremental change in the level of impact to be of sufficient scale to generate a landscape objection.

SSDC Ecologist: I note this application covers a very similar footprint to the approved 15/02975/REM, the exception being a slight extension along the eastern boundary that will necessitate removal of trees (mainly willows and hawthorn) and scrub habitat (in addition to small losses of similar habitat along the west boundary). I didn't see any Japanese Knotweed on my site visit today and I therefore presume eradication work has been successful. I have no objection but advise there are several issues, particularly in respect of protected species, requiring mitigation or avoidance measures. Subject to condition.

SSDC Economic Development: From an Economic Development perspective I would like to offer my support to the above application. It promises to bring forward new employment space and create new jobs, which would otherwise be difficult to deliver in this location. As the applicant makes clear, there is extant planning permission for employment use on the site, which has hitherto not garnered interest from developers. There are significant remedial works needed to make the site fit for purpose and without either public intervention or an appropriate level of mixed use development it seems unlikely that development of the site would be otherwise forthcoming.

SSDC Environmental Protection: The noise and odour assessments undertaken has indicated that the proposed development is viable. What is important is that the final layout and internal orientation of habitable rooms and measures proposed to ameliorate noise is adhered to and agreed with this department before development takes place. No objection is raised, subject to conditions.

SSDC Policy Officer: A detailed background assessment of the issues facing the proposal in terms of both local and national policy is offered. In conclusion, the officer notes: *The applicant is looking to develop 22 dwellings and 790 sq m of B1 uses in the Local Market Town of Langport/Huish Episcopi. In accordance with paragraph 14 of the NPPF you will need to consider whether the benefits of delivering housing and employment land in Langport outweigh the lack of compliance with the Development Plan Policy EQ1, the Sequential Test and Policy EP2.* [Note: EP2 (relating to out-of-centre office development) doesn't apply because B1 use is already approved on the site.]

SSDC Sports Arts and Leisure: Contributions will be required in terms of Policy HW1 of the Local Plan, as follows:

Local Facilities: £49,955

Commuted Sums: £19,695

TOTAL: £76,446

Service Fee £764

TOTAL Contributions: £77,210 (£3,510 per dwelling)

County Minerals and Waste: No objection is raised, but the issue of the use of waste material in the creation of the raised access surface is referred to, and advice offered on the appropriate approach to this matter.

SSDC Strategic Housing: 8 dwellings required to meet the 35% affordable housing requirement. A suitable house type mix is provided and other information for the applicant in preparing a final design.

Lead Local Flood Authority (County): *The proposed development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. The applicant*

has proposed to raise levels within the site to provide flood defence, they have stated that the Environment Agency (EA) has stated that they would not require any flood plain compensation for this area given that it is located on the periphery of a wide floodplain and that there is significant capacity to the east to a depth of 2m or more. The LLFA would require written confirmation from the EA of this agreement. The applicant has also proposed to utilise SuDS within the site in the form of rainwater harvesting, and permeable surfacing to internal access routes and parking areas, however, they have not provided detailed design calculations for the proposed drainage designs for the capture and removal of surface water from the development, or for the raised areas within the site. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted. Subject to condition.

County Archaeologist: *The site lies in the medieval suburb of Langport, a settlement with burgesses called Southwick or Frog Lane. It is very likely that there will be impacts on buried archaeology associated with this proposal, but due to the nature of the foundations required and the need to raise the site, these archaeological issues will be better dealt with by condition rather than requiring pre-determination evaluation. For this reason I recommend 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 Officer: No contributions will be required towards provision of educational facilities.

Environment Agency: *Providing that the Local Planning Authority (LPA) are satisfied that the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, we have no objection to the proposed development. Subject to conditions and informatives being included in any permission.*

Natural England: No objection.

Police Liaison Officer: Raised detailed concerns about the submitted layout.

Internal Drainage Board: No objection, subject to condition and informative notes.

Somerset Waste Partnership: General advice.

Wessex Water: General advice, no objection is raised.

REPRESENTATIONS

Seven letters of representation have been received. The following main objections have been raised:

- the proposal represents over-development
- there is insufficient parking space, which will exacerbate the existing situation in the industrial estate;
- the site is in the flood plain, where dwellings should not be built, and where the development would displace flood waters to elsewhere;
- there would be traffic conflict with existing vehicles accessing industrial premises; particularly, it is noted that domestic traffic would be mixed with 44 tonne LGV vehicles;
- traffic congestion in the estate would be exacerbated;

- there are issues with the indicated width of roadway in the layout;
- the development would exacerbate the dangerous access of Frog Lane onto the A378;
- the proposal does not contribute to alleviating flooding on Frog lane;
- the proposal could have a serious harmful impact on a long established local business in the trading estate, and the applicant has not adequately consulted with the owner of this business;

The following points have been raised in support of the application:

- the scheme is well designed and of high quality, positively representing modern architecture;
- the development would stimulate business in the town;
- the proposal would provide affordable housing.

A letter was received from the Somerset Wildlife Trust, supporting the submitted Outline Mitigation and Compensation Strategy.

CONSIDERATIONS

Principle of Development

The site is within the defined development area, where the principle of development is accepted. However, the site is subject to numerous constraints including location within the functional floodplain of the River Parrett. To be acceptable, therefore, development would have to comply with a range of other policies and regulations.

Applicant's Case: Justification for Development in Functional Floodplain

The applicant has made a detailed case for some sort of 'enabling' development, and suggests that this justifies the approach to the application, whereby the Sequential Test should be considered in a modified form, taking into account the inherent benefits of the proposal, which include:

- bringing forward some employment land, where the existing permitted development has not been able to be developed because of the costs involved in the flood mitigation measures;
- provision of new housing;
- creation of mitigation measures that would release this land and safeguard existing development in the industrial estate;
- in discussion during the course of the application, provision of the land for the permanent creation of a footpath (currently a permissive footpath leased to SSDC) along the eastern boundary

The Sequential Test is considered to be met on the basis of a reduced search area, on the basis that the 'sustainable social and economic benefits provided by the development cannot be met by a development elsewhere in Langport or the District'.

Visual and Landscape Impact

The visual impact has been succinctly addressed by the Landscape Officer (above). Although finely balanced, considering the approved scheme of development for the site, and the potential to create a development sympathetic to the built form (as shown in the submitted indicative layout) it is considered that a scheme of development could be accommodated on the site without raising undue concern about the impact on the setting, landscape and local character.

Impact on Residential Amenity

The location of the site, immediately adjacent to and accessed through an industrial area, raises a concern about the likely standard of amenity to be enjoyed by future occupants of the dwellings. The NPPF articulates, among its 12 Core Planning Principles a concern for residential amenity:

Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

The applicant has demonstrated, by means of an acoustic study, that a residential scheme along the line proposed could be developed on the site without adjacent industrial premises causing a noise disturbance that would warrant a refusal. However, this assessment is based on whether a statutory noise nuisance would occur. The core principle of planning set out above is considered to set a higher standard than this.

The Westover industrial estate includes a variety of activities. Immediately north of the site, within 25m of the dwellings proposed in the layout, is a large building occupied by a mix of uses, including a motor vehicle repair garage. Further north, and taking its access off the same through-road that would be used by future occupants, is a major regional depot and processing plant of an animal feeds supplier. As noted by the owner of the business, approx 100 44-ton articulated lorries use this road weekly. The general presence of this business, whilst it might not create a statutory noise nuisance, would contribute towards general noise levels, and create an ambience which is not considered conducive to a 'good standard of amenity' for future occupants of the proposal.

The Noise & Odour Assessment presented by the applicants is based on noise surveys carried out in January 2016. In June 2016, permission was granted for an extension to the building closest to the site (permission 16/01868/FUL) allowing an additional floor area of 102 sq m, to be used by any of the B1, B2 or B8 use classes. This floor space would be within 20m of the proposed dwellinghouses. The additional impact of this floorspace was not considered in the noise assessment submitted with the current application.

It is a well-established principle of urban design and planning that extreme care should to be taken in the juxtaposition of land uses in the design of places, taking into account their compatibility. It is not considered that the proposal to place 22 dwellinghouses immediately adjacent to, and accessed through, a general industrial estate represents 'high quality design' that would result in a good standard of amenity for future occupants.

Highway Safety

The Highway Authority is satisfied that a scheme can be developed that would not be harmful to highway safety. Whilst the Local Authority is concerned at the mixing of residential traffic (including pedestrian and cycle traffic) with that generated by the industrial estate, in the absence of an objection from the Highway Authority, it is not considered that the proposal could be refused on this basis.

Flood Risk

The site falls within Flood Zone 3b (the functional floodplain).

Government advice on building in areas at risk of flooding is comprehensive. The NPPF (Paragraph 100) sets out the aim:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The 'appropriateness' of development within various flood zones is set out in Table 3 of the online Planning Practice Guidance (PPG). Within flood zone 3b, dwellinghouses, which are defined elsewhere in the PPG as 'more vulnerable' development, 'should not be permitted' (i.e. would be inappropriate).

The requirement of a Sequential Test is also spelled out, the aim of which is to consider such inappropriate development and determine whether there are other sites that could accommodate such development.

Paragraph 101 of the NPPF sets this out clearly:

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding

Although the Environment Agency in its consultation response indicates that it has been happy to consider mitigation measures for this site, such measures 'jump the gun', and have been considered out of the clear sequence of assessment set out in the NPPF. The clear intention of the policy is that, should the sequential test fail, then development should not be permitted.

Paragraph 103 emphasises the sequence within which proposals should be considered:

*When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment **following the Sequential Test**, and if required the Exception Test, it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems*

The EA has not followed this sequence. However, it does make clear, rightly, that ensuring the Sequential Test has been met is the responsibility of the Local Authority. The EA's support for the scheme is conditional on that test being met.

There is a 'direction of growth' set out in the Local Plan for Langport/Huish Episcopi which is not within in the functional floodplain. There is a significant amount of other land within the local market town available for residential development, and more in the District as a whole. Policy EQ1 of the Local Plan defines the area of search more broadly:

The area of search to which the Sequential Test will apply will be South Somerset wide, unless adequately justified otherwise in relation to the circumstances of the proposal

It is therefore considered that the Sequential Test cannot be passed, and that residential development should not be permitted on this land. The approach is clearly summed up and endorsed by an appeal inspector (appeal ref. 2210915 in Whittlesey, Cambridgeshire, 2014):

The sequential approach in national and local planning policy seems to me to be based on the underlying principle of sustainability. This is that development should be directed to areas with the lowest probability of flooding and that reliance should not be placed in the first instance on flood defence and flood mitigation. The Framework makes it quite clear that it is only if there are no sites with a lower flood risk that consideration should be given to whether the development could be made

safe and not increase the risk of flooding elsewhere through a Flood Risk Assessment and the application of the exception test. The Appellant has jumped straight to the latter part of the process, without considering whether there is better located land to accommodate the development in question.

It is noted that the applicant is of the view that, given the inclusion of some non-residential development, and the enhancement of flood protection that will result, there is justification for taking a different view of the requirements of the Sequential Test, and the relevant search area to be used in the Sequential Test. However, the guidance does not state that a 'mixed use' or 'development with combined benefits' is to be regarded as a type of development for purposes of the Sequential Test. In fact, this is not a 'mixed use' development in the sense that the various use classes are integrated - the applicant's intention is clearly to create two separate parcels of development, including a coherent housing development of 22 dwellings. The overall aim of the test is to steer specific forms of development to areas at the lowest possible probability of flooding. Table 2 of the PPG guidance states that **buildings** used for dwellinghouses should be classified as 'more vulnerable'. It is not considered that there is any reason why this development for 22 dwellinghouses should be exempt from the Sequential Test as set out in the guidance.

Given the clear dangers and recent consequences of flood risk in this part of the District (bearing in mind the issues raised by the serious flooding of 2013/14), it is not considered appropriate for the Council to ignore the Government guidance in this respect.

In summary; the proposal does not comply with the guidance, in that:

- it proposes the development of 22 houses in the functional floodplain, contrary to the advice in Table 3 of the online guidance for 'more vulnerable' development;
- the site does not pass the Sequential Test as set out in the NPPF and online guidance;
- under these circumstances, an assessment of mitigation measures should not have been considered, and these mitigation measures are not considered to represent an adequate justification for housing development within the functional floodplain.

Provision of Employment Development

It is noted that the proposal would see a measure of non-residential/employment land coming forward, in support of the aims of the Local Plan. However, this is not considered to outweigh the harm resulting from non-compliance with the guidance and policies on flood risk, and the concerns about general residential amenity raised above.

County Minerals and Waste Concerns

It is proposed to include an informative note with any permission advising the applicant to be aware of the concerns of the County in relation to the use of waste materials in changing the levels on the site.

Police Liaison Officer Concerns

As this is an outline application, the layout is for indicative purposes only. It is proposed that any approval should draw these concerns to the attention of the applicant for resolution prior to the submission of reserved matters for approval.

EIA Regulations

Not relevant.

Conclusion

The proposal seeks to create a largely residential development adjacent to an industrial estate, within the functional floodplain (Flood Zone 3b). It would include a measure of employment land, and the development would create flood defences to protect not only the site but enhance flood resilience of neighbouring development. The proposal is considered contrary to the stated aims of national guidance and local policy which seeks to direct new housing development away from areas of high flood risk. Regardless of the likelihood of a scheme of flood mitigation being implemented, the development does not pass the Sequential Test set out in the NPPF and the Local Plan. Proximity to industrial development, including the need for all future occupants to access the site through an industrial estate, is not considered to represent high quality design that would result in a good standard of amenity. Notwithstanding the benefit of housing and of a small amount of employment land coming forward, it is not considered that the harm identified would be outweighed. For these reasons, the proposal is recommended for refusal.

S.106 AGREEMENT

Should the application be approved, A S106 Agreement will be required to secure the Sports Arts and Leisure contributions, as set out above, as well as a 35% (eight dwellings) contribution towards affordable housing, although this would fall way in favour of CIL contributions should such approval be given after 3 April 2016.

It is also noted that the applicant is willing to dedicate permanently the existing permissive path adjacent (leased currently to SSDC) to the site as a public bridleway (or any other terminology) in perpetuity and would transfer sufficient rights to enable the County Council (or any other public body) to widen the path to 3 metres. The precise details of this arrangement would be agreed with SSDC and provided in a Section 106 Agreement.

RECOMMENDATION

Refuse.

01. The proposal comprises housing development that is incompatible with its setting within the functional floodplain (Flood Zone 3b) and which fails the Sequential Test required for consideration of development within such a setting. It therefore fails to meet an important objective of national policy which seeks to steer new development to areas with the lowest probability of flooding. In these respects, the proposal represents unsustainable development, contrary to aims of the NPPF, Government Online Planning Practice Guidance and Policies SD1 and EQ1 of the South Somerset Local Plan.
 02. The proposal, by reason of its siting in close proximity to, and accessed through an industrial estate accommodating all forms of industry including those within the B2 Use Class, fails to secure a high standard of design that would ensure a good standard of amenity for future occupants of the development, contrary to the stated aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.
-