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# **Informal Discussion by Members of Area West Committee**

**Wednesday 15th September 2021**

**5.30 pm**

**A virtual consultative meeting via  
Zoom meeting software**

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The following members are requested to attend this virtual consultation meeting:

Jason Baker  
Mike Best  
Dave Bulmer  
Martin Carnell  
Brian Hamilton  
Ben Hodgson

Val Keitch  
Jenny Kenton  
Paul Maxwell  
Tricia O'Brien  
Sue Osborne  
Robin Pailthorpe

Oliver Patrick  
Garry Shortland  
Linda Vijeh  
Martin Wale

Any members of the public wishing to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 14<sup>th</sup> September 2021.

The meeting will be streamed and viewable online at:

[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

For further information on the items to be discussed, please contact:  
[democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 6<sup>th</sup> September 2021.

**Jane Portman, Chief Executive**

**This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app**

## **Information for the Public**

In light of the coronavirus pandemic (COVID-19), Area West Committee will meet virtually via video-conferencing to consider reports. As of 7 May 2021 some interim arrangements are in place for committee meetings.

At the meeting of Full Council on 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

- a) To continue to enable members to hold remote, virtual meetings using available technology;
- b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;
- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022.

For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=3033&Ver=4>

## **Area West Committee**

Meetings of the Area West Committee are usually held monthly, at 5.30pm, on the third Wednesday of the month (unless advised otherwise. However during the coronavirus pandemic these meetings will be held remotely via Zoom.

Agendas and minutes of meetings are published on the council's website

[www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at meetings (held via Zoom)**

### **Public question time**

We recognise that these are challenging times but we still value the public's contribution to our virtual consultative meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) for the details to join the meeting.

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

If you would like to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 14<sup>th</sup> September 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

#### **Virtual meeting etiquette:**

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

#### **Planning applications**

***It is important that you register your request to speak at the virtual meeting by emailing [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 14<sup>th</sup> September 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.***

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

**If a member of the public wishes to speak at the virtual meeting they must email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 14<sup>th</sup> September 2021.**

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

## **Recording and photography at council meetings**

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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# Informal Discussion by Members of Area West Committee

**Wednesday 15 September 2021**

## Agenda

### *Preliminary Items*

- 1. To approve as a correct record minutes from previous meetings**  
To approve as a correct record the minutes of previous meetings held on 17<sup>th</sup> March, 19<sup>th</sup> May and 21<sup>st</sup> July 2021.
- 2. Apologies for Absence**
- 3. Declarations of Interest**  
In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

### **Planning Applications Referred to the Regulation Committee**

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Jason Baker, Sue Osborne and Linda Vijeh.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

- 4. Public Question Time**
- 5. Date and Venue for Next Meeting**  
Councillors are requested to note that the next Area West Committee meeting is scheduled to be held at 5.30pm on Wednesday 20<sup>th</sup> October 2021. This will be a virtual meeting using Zoom on-line meeting software.
- 6. Chairman's Announcements**

*Items for Discussion*

7. **Chard Regeneration - Leisure Centre Update** (Pages 7 - 10)
8. **Chard Regeneration Scheme Update** (Pages 11 - 17)
9. **Area West Forward Plan** (Pages 18 - 19)
10. **Planning Appeals** (Pages 20 - 25)
11. **Schedule of Planning Applications to be Considered** (Pages 26 - 27)
12. **Planning Application 20/02247/OUT - Land to the North of Fore Street, Tatworth**  
(Pages 28 - 53)
13. **Planning Application 20/02249/OUT - Land to the North of Fore Street, Tatworth**  
(Pages 54 - 79)

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

**Please note that members of the Area Committee will make a recommendation on the above reports. The decision will be taken by the Chief Executive.**

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## Chard Regeneration - Leisure Centre Update

Portfolio Holder	Cllr Jason Baker, Chairman of Area West Committee
Project Sponsor:	Jan Gamon, Director of Place & Recovery
Lead Officers:	Natalie Fortt, Regeneration Programme Manager Dan Bennett, Property and Development Project Manager
Contact Details:	<a href="mailto:dan.bennett@southsomerset.gov.uk">dan.bennett@southsomerset.gov.uk</a> 07971 111889

## Purpose of the Report

The report provides a general progress update on the Chard Regeneration Scheme, specifically:

- i) Leisure Centre project
- ii) Wider regeneration site – Building 11

## Recommendation

That members note the contents of the report.

## Background

Following detailed design, SSDC applied in May 2019 for Planning Consent and Listed Building Consent to build a new Leisure Centre, Library & Community Hub and public realm improvements at the Boden Mill (ACI site) in Chard. The proposal requires the removal of buildings associated with the factory site but the retention of the Mill, Building 11, the listed arch and some adjoining buildings to the south of the arch. The planning application was heard by both SSDC's Area West Committee and then Regulation Committee on 3 September 2019 where it received approval.

## Leisure Centre Update

Our main contractor, Speller Metcalfe Ltd has maintained momentum on the project and the works are progressing well.

Some key milestones achieved in June and July:

- The new sub station on site was energised in June, and a permanent power supply has been made to building.
- The infrastructure for the electric vehicle charging points has been put in place. The chargers will be fitted as part of the wider Deletti project, which will see charging points rolled out across the district.

- The pool tiling and grouting has been completed and the pools were undergoing their trial filling on 29/07/21. Once full, the pool plant, pumps etc will be tested.
- First floor, the floor coverings and decoration works are substantially complete. Final decoration works are now underway and the first room to be fully completed is likely to be the spin studio.
- Ground floor, the soft play area was being floored on 29/07/21 and will shortly be ready to receive the play equipment installation.

The photo below shows the pool prior to filling:



## Wider Regeneration Site

### Building 11

The planning application for the demolition of Building 11 (reference 21/01333/FUL) has been submitted and responses have been received from the statutory consultees.



There has been a recent change of planning officer for the application, and the new officer will require some time to come up to speed with the background of the application. We do not expect that the application will go before committee before September or October, and at this stage do not know what the officer recommendation is likely to be. These factors have resulted in the application exceeding the eight-week determination period.

This delay means that there is very little likelihood of Building 11 being removed before the leisure centre opens to the public, however the contractors have indicated that they will be able to undertake the work safely without affecting the opening of the leisure centre.

### **Marketfield Access**

As members will be aware, we have been unable to widen the Marketfield access road as planned because the footway is not within the ownership of SSDC. We have been in dialogue with the Royal Mail, who own the footway, to establish if there is a mutually agreeable solution to this issue.

The Royal Mail have recently closed their Ilminster Depot and transferred the operations to Chard, so the Chard Depot is running at full capacity. The previous arrangements of season tickets for Royal Mail delivery vehicles in the Marketfield car park will not be continued once the leisure centre is open to the public. We are looking at options to use the Crowshute car park for certain Royal Mail vehicles to ease pressure on the town centre car parks, which are primarily used by shoppers.

### **Site visit**

Members of Area West Committee are invited to visit the construction site for a progress inspection of the leisure centre. The date and time of the visit is to be agreed, but this is likely to be a week day in mid to late August.

### **Next Steps**

Work is underway to plan the opening event for Leisure Centre, this is an important Milestone not just the project but for the community of Chard. It will be an opportunity for people to come together and of course view the fantastic new facilities available.

Officers will also continue to engage with Homes England to investigate ways to bring forward the residential components of phase two of the programme.

### **Council Plan Implications**

The Chard Regeneration Scheme is a specific objective of the Council Plan and forms part of Priority Project 2 for 2021/22.

## **Carbon Emissions and Climate Change Implications**

None arising from this report

## **Equality and Diversity Implications**

None arising from this report

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## Chard Regeneration Scheme Update

Portfolio Holder	Cllr Jason Baker, Chairman of Area West Committee
Project Sponsor:	Jan Gamon, Director of Place & Recovery
Service Manager:	Natalie Fortt, Regeneration Programme Manager
Lead Officer:	Anna Matthews, Chard HSHAZ Project Manager
Contact Details:	<a href="mailto:anna.matthews@southsomerset.gov.uk">anna.matthews@southsomerset.gov.uk</a> or 01935 462958

## Purpose of the Report

1. The report provides a general progress update on the Chard High Street Heritage Action Zone (HSHAZ) project, including the public realm improvements across the town centre, as part of the Chard Regeneration programme.

## Recommendations

2. That Members note the contents of the report.

## Background

3. In 2020, SSDC was successful in bidding for Chard to become a High Street Heritage Action Zone (HSHAZ), attracting £1m from Historic England as part of the £95m government-funded scheme. The scheme will run until March 2024, as part of the Chard Regeneration programme.
4. The aims of the Chard Regeneration programme are:
  - To provide compelling reasons for residents and visitors to visit and use Chard town centre.
  - To bring the key sites and buildings in Chard Town Centre back into economic and community use. This will stimulate physical regeneration and improve the vitality of the town centre.
  - To increase the footfall within the town and support existing businesses.
  - To improve the leisure and health offer in Chard for both local people and new visitors
  - To reinvigorate and bolster the role of Chard as a Market Town and economic centre.

Within this, the particular aims of Chard HSHAZ is to make the high street a more attractive, engaging and vibrant place for people to live, work and spend time.

5. The focus of the HSHAZ project is around the Holyrood Street – Fore Street – Boden Street area. It will include improvements to public realm as set out in the

Chard Public Realm Strategy, grants to business/property owners to renovate and repair historic shop fronts, and a programme of community engagement.

6. To take advantage of economies of scale, other public realm/highways improvements will be delivered alongside the HSHAZ works: two car park junctions associated with access to the leisure centre, the Eastern Gateway and Howards Row. Funding for these comes from the wider Chard Regeneration programme, Area West Committee capital reserve, SSDC general grant reserves and Chard Town Council. Detailed designs for the public realm improvements were submitted to Somerset County Council for their technical approval and road safety audit on 24<sup>th</sup> February 2021.
7. In December 2020, a consortium of local cultural and community partners bid for additional funding for a HSHAZ Cultural Programme called *Culturally Chard*. The consortium is headed up by Somerset Art Works and Chard Town Council and involves Chard Museum, Chard Carnival Committee, Holyrood Academy, Chard Town Team and Chard One Team. The aim of the Cultural Programme is to bring new activity to the town centre and encourage people to connect to the unique heritage of Chard's high street in creative ways.

## PROGRESS REPORT

### Public Realm Scheme

8. Somerset County Council have been reviewing the RIBA Stage 4 designs over the last few months through the Road Safety and Technical Audit processes. Very few issues were raised for a scheme of this type, particularly in terms of road safety, which reflects well on the quality of the work done to date. The final minor items are currently being addressed and sign-off from Somerset County Council on this process is imminent.
9. While this process has been underway, we have also instructed Tozers to act on SSDC's behalf in terms of the required S278 agreement with Somerset County Council.
10. The required new Traffic Regulation Orders have been confirmed and applied for.
11. A desk-based assessment of archaeological potential for the site was commissioned and produced. This will inform archaeological monitoring during the works.
12. The tender process for construction contractors launched at the end of March, using the public realm framework established last year. We received three tenders.
13. The tender process highlighted the major impact that both COVID-19 and Brexit are having on the construction industry. As a result, costs were unavoidably higher

than we had budget for. Officers requested additional funding from District Executive on 8th July, in order to progress the scheme. This funding was secured from the Medium Term Financial Support Fund earmarked reserve, enabling us to move the project ahead with the preferred contractor.

14. Additional funding of £79,000 was also secured from Historic England through a special bidding round, in order to use local natural stone to enhance the water channels and pavement areas.
15. Two pre-start meetings have been held and we will continue to meet on a fortnightly basis to monitor progress. We are on track to deliver the car park junction improvements prior to the opening of the leisure centre, and to complete all other works by the end of this financial year.
16. The scheme will continue to be supported by the RIBA Stage 4 Design Team, with engineers and landscape architects from Hydrock and LHC on hand as technical advisors to SSDC and Coreus acting as Employer's Agent.

## **Building Grants**

17. We had aimed to launch the HSHAZ programme of building grants in the first quarter of 2021/22. The additional work required to move the public realm scheme forward this quarter (due to the unanticipated significant impact of COVID-19 and Brexit on costs) has led to a delay in getting the grant scheme up and running.
18. However, work has still progressed behind the scenes. The HSHAZ officer has been in contact with a number of property owners who will be eligible for grants, as well as others who may benefit from the general investment in the town. This includes Chard School, the new owners of the Manor Court House, and a number of properties on Holyrood Street.
19. In addition, a brief was drawn up to appoint an accredited conservation architect to provide advice and support to the project. Quotations were requested during July. The evaluation process for the contract is underway at the time of writing.

## **Community Engagement**

20. A Community Engagement Plan has been drafted, expanding on the commitment to community engagement that SSDC made in its bid for HSHAZ funding to meet Historic England's 8 community engagement aims:
  1. The needs, aspirations and involvement of local communities are embedded in the design, delivery and legacy of each project
  2. A broad and diverse range of people will be more aware, interested and meaningfully involved in the heritage of their high street
  3. Community wellbeing will have increased through community participation in heritage programmes and activities

4. Communities will feel more invested in their high streets as places to live, learn, work and visit
  5. Local community organisations, groups and individuals will have learned new knowledge and skills relating to heritage practice, management and advocacy
  6. Local community groups and organisations will have built capacity, learned skills and become more resilient through involvement in the programme
  7. The local economy will have been boosted through the contribution of local communities to the economic regeneration of the high streets
  8. The provision of local social and cultural spaces and services to support local communities will have increased through community engagement in high streets projects.
21. The plan supports activity that allows local and national heritage organisations to connect with Chard residents and stakeholders, particularly children and young people, high street businesses, the Portuguese and Polish communities, residents that live on the high street, and adults seeking to improved wellbeing. It also encourages the use of town centre community facilities.
22. Chard Museum is leading two initial projects: heritage walks and *Hidden Histories of the High Street*. The heritage walks project will refresh the existing lace riot and blue plaque walks as well as developing new heritage walks around the town. For *Hidden Histories of the High Street*, the Museum's volunteers will work with town centre businesses to uncover and showcase the history of their premises.
23. The Community Engagement strand of the HSHAZ also includes raising awareness of the programme. We have recently produced some information boards and booklets, and set up a display on Fore Street as part of the *Culturally Chard* launch day (see below).
24. The archaeology report on the town centre produced for the public realm has been shared with the public, timed to coincide with the national Festival of Archaeology.

### **Cultural Programme**

25. The *Culturally Chard* consortium was awarded £80,000 funding for their HSHAZ Cultural Programme. The award was made in March but the announcement was embargoed until May. Since then, the consortium members have met monthly, to set up the programme and begin the first activity working with delivery partners. SSDC oversees the programme on behalf of Historic England, including holding the funds.
26. A launch event was held at the Guildhall, along Fore Street and at the Museum on Saturday 10<sup>th</sup> July. Somerset Art Works provided workshops for their Banners of Chard project and the Museum trialled their refreshed Lace Riot Walk as a guided tour and hosted a talk in the evening about the Stop Line. The Town Council provided poetry linked to their Stories of Chard project, and the Carnival Committee and library teams also attended with activities.

27. Unfortunately, the ill health of a key team member, continued covid restrictions and poor weather on the day led to some last minute changes and challenges. A debrief meeting between the organisers was held afterwards and lessons learned for next time.

### **Footfall Counters**

28. Footfall counters were installed in Chard town centre at the end of June, as a shared project between the HSHAZ scheme and the Reopening the High Street scheme. Footfall counting is required as part of the monitoring of the HSHAZ scheme but will also provide invaluable data about how people use Chard's high street to inform future initiatives.

## **NEXT STEPS**

### **Public Realm**

29. We will meet fortnightly with the contractor to progress the scheme and get on site, ensuring delivery to plan.

30. We will shortly begin working with the contractor's public liaison officer and will then be able to share information about the timing and phasing of the works. We will work closely to ensure residents, businesses, event organisers and other stakeholders are informed.

31. Sign-off from Somerset County Council's Road Safety and Technical Audit process is expected very soon.

32. Conclusion of the S278 agreement is a priority. TROs will need to be finalised before works are complete.

33. The Town Council are progressing plans for new wayfinding and signage, bins, lighting and CCTV, with funds from MTIG. This is being co-ordinated alongside the HSHAZ/public realm works.

### **Building Grants**

34. We will appoint the accredited conservation architect and instruct the production of a new Shop Front Design Guide. This will be followed by the production of a Programme of Works – combining a condition survey of each shortlisted property, a recommendation for works required, and a suggested prioritization for awards of funds.

35. Conversations with eligible parties will continue, as well as support to Chard School to access Heritage At Risk funding from Historic England.

## Community Engagement

36. Work is underway to “open Chard town centre” for *Heritage Open Days*. This is likely to include special events at the Museum and the Guildhall, as well as a town centre presence from the Chard reservoir team. *Heritage Open Days* is the UK’s largest festival of history and culture, taking place every year. This year it runs from 10<sup>th</sup>-19<sup>th</sup> September.
37. A HSHAZ ‘task force’ will be set up to bring together partners from across the community who can make an active contribution to the successful delivery of the scheme, particularly in the area of community engagement.
38. The Museum will continue work on the heritage walks and the *Hidden Histories of the High Street* projects.

## Cultural Programme

39. The consortium will continue to meet monthly to plan, develop and oversee the *Culturally Chard* programme.
40. The Banners of Chard and Stories of Chard projects, now launched, will continue over the coming months. The Carnival Committee also intend to purchase new staging equipment.
41. The Banners of Chard project is primarily EU-funded, with a small contribution from *Culturally Chard*. The project will produce banners for public display in the Guildhall, creating a new reason for people to visit the town centre. Many local people will be involved in making the banners, working with an artist from Somerset Art Works and Take Art, including members of the Chard WATCH group, local school children and families who rely on the food bank. The banners will be inspired by life in Chard and its development as a market town, and will be a draw to the Guildhall for all those who contributed, building their connection with the town centre.

## Council Plan Implications

42. The Chard Regeneration Scheme is a specific objective of the Council Plan and a priority project for 2020/21.

## Carbon Emissions and Climate Change Implications

43. None arising from this report



## **Equality and Diversity Implications**

44. None arising from this report. An Equality Impact Relevance Check/Equality Impact Assessment has been completed for the Chard public realm scheme.

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## **Area West Committee Forward Plan**

Strategic Director: Nicola Hix, Strategy & Support Services  
Agenda Coordinator: Jo Morris, Case Officer (Strategy & Support Services)  
Contact Details: jo.morris@southsomerset.gov.uk

## **Purpose of the Report**

This report informs Members of the agreed Area West Committee Forward Plan.

## **Recommendations**

Members are asked to:

- a. Comment upon and note the proposed Area West Forward Plan as attached;
- b. Identify priorities for further reports to be added to the Area West Forward Plan.

## **Area West Committee Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

## **Background Papers**

None.

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**Notes**

(1) Items marked in italics are not yet confirmed.

(2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail [jo.morris@southsomerset.gov.uk](mailto:jo.morris@southsomerset.gov.uk)

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
<i>20<sup>th</sup> October TBC</i>	<i>Chard Eastern Development Master Plan</i>	<i>John Hammond, Specialist Principal Planner Jo Wilkins, Specialist – Strategic Planning Peter Paddon, Lead Specialist – Economy, Place &amp; Recovery</i>
20 <sup>th</sup> October	Area Chapter 2021-22 Update	Tim Cook, Locality Manager
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>TBC</i>
<i>TBC</i>	<i>Update on S106 contributions</i>	<i>TBC</i>
<i>TBC</i>	<i>Report on how SSDC engage with other authorities to deal with emergencies (report requested following the recent Chard flooding emergency) - Date to be confirmed following the publication of Somerset County Councils Section 19 Statutory Report.</i>	<i>Jessica Power, Lead Specialist – Strategic Planning</i>



## Planning Appeals

Strategic Director: Kirsty Larkins, Service Delivery  
Lead Specialist: John Hammond, Principal Planner  
Contact Details: john.hammond@southsomerset.gov.uk

## Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

## Recommendation

That members note the report.

## Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

## Appeals Received

19/00953/FUL – Demolish existing rear extension and the erection of a two storey rear extension comprising 2 No. flats.  
18 Abbey Street Crewkerne Somerset TA18 7HY  
(Officer Delegated Decision)

## Appeals Dismissed

20/00383/FUL - The erection of dwelling and garage and adjustment to existing access (amended scheme to that refused under application 19/01200/FUL).  
Meadows, Suggs Lane, Broadway, Ilminster TA19 9RJ  
(Officer Delegated Decision) – decision notice attached

## Appeals Allowed

20/02649/HOU – The erection of a single storey and two storey extensions to rear (west elevation) of dwelling plus replacement of existing doors and windows  
Barton House, North Street, Chiselborough, Yeovil, Somerset TA14 6<sup>TH</sup>  
(Officer delegated Decision) – decision notice attached

## Background Papers

Appeal notices attached



## Appeal Decision

Site Visit made on 11 August 2020

by **S Thomas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 April 2021**

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### **Appeal Ref: APP/R3325/W/20/3253000**

### **Meadows, Suggs Lane, Broadway, Ilminster TA19 9RJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs J Hodges against the decision of South Somerset District Council.
  - The application Ref 20/00383/FUL, dated 22 January 2020, was refused by notice dated 3 April 2020.
  - The development proposed is erection of dwelling and garage and adjustment of access drive (amended scheme).
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. During the course of the appeal, the Council submitted information<sup>1</sup> relating to their updated 5-year Housing Land Supply (HLS) position. The Council indicate they can now demonstrate a HLS figure in excess of the 5-year requirement of approximately 6 years. The main parties have had the opportunity to comment on this matter and this has informed my decision on this appeal.

### **Main Issue**

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

4. The appeal site contains a distinctive stone fronted dwelling (the Meadows) and a detached garage set within a spacious garden area. Whilst there is a mix of dwelling types and plot sizes in the vicinity, the Meadows and its large open garden area is a feature of interest along Suggs Lane. Although there is a large detached dwelling to the east, and new build dwellings to the north, the appeal site provides a characterful open aspect to this edge of settlement location.
5. The proposed dwelling would be substantially larger than the Meadows and located at an angle to it further forward in the garden. It would also be higher than the Meadows. Together with the close proximity to the Meadows and the northern boundary of the site, the proposed dwelling would appear overly dominant and hemmed in within the plot disrupting the spacious open character. This would be accentuated by the proposed detached garage which given its separation from the proposed dwelling, would appear fragmented and would intrude into this open character further. Although the proposal would use

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<sup>1</sup> South Somerset District Council Five Year Housing Land Supply Paper (November 2020)

materials that are reflective of the area, this would not mitigate the harm caused. The proposed development would appear intrusive and would fail to integrate successfully into the area.

6. I have had regard to the suggested inclusion of a condition for additional planting along Suggs Lane, however this would not effectively mitigate the impact of the proposal. In any event, additional screening would only serve to reduce views into this site at detriment to its spacious open character. Even if the appellant could erect buildings within the garden under Permitted Development rights, this is not relevant to my determination of this appeal. In any event, this would not have the same impact as the proposal before me.
7. I note that Paragraph 127 of the National Planning Policy Framework (the Framework) states that decisions should not prevent or discourage appropriate innovation or change. However, it is clear that development should be sympathetic to local character including the surrounding built environment and landscape setting. In this case, I find the proposal would result in harm to the character and appearance of the area and would not be a sympathetic addition to it.
8. For the reasons above, the proposal would result in harm to the character and appearance of the area. Accordingly, it would be in conflict with Policy EQ2 of the South Somerset Local Plan (2015) (Local Plan). Amongst other matters this policy seeks to ensure that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. In addition, the proposal would conflict with Paragraph 127 of the Framework for the reasons above.

### **Other Matters**

9. The Council state that they can now demonstrate a 5-year HLS. Accordingly, they now consider Policy SS2 of the Local Plan can be afforded significant weight in the determination of the appeal. However, given the unacceptability of the proposal on the character and appearance of the area, I do not consider it necessary to consider this matter further.
10. Whilst the proposal would provide an additional dwelling, any economic and social benefits that might be associated with it would be very modest and would not outweigh the harm I have found to the area's character and appearance. Given this harm, the proposal would not comply with the policies of the development plan when taken as a whole.

### **Conclusion**

11. For the above reasons, the appeal does not succeed.

*S Thomas*

INSPECTOR



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## Appeal Decision

Site visit made on 26 July 2021

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 03 August 2021

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**Appeal Ref: APP/R3325/D/21/3273969**

**Barton House, North Street, Chiselborough, Yeovil, Somerset TA14 6TH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs N Frost against the decision of South Somerset District Council.
  - The application Ref 20/02649/HOU, dated 26 August 2020, was refused by notice dated 31 March 2021.
  - The development proposed is described as a single storey and two storey extensions to rear (west elevation) of dwelling plus replacement of existing doors and windows.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey and two storey extensions to rear (west elevation) of dwelling plus replacement of existing doors and windows, at Barton House, North Street, Chiselborough, Yeovil, Somerset TA14 6TH, in accordance with the terms of the application, Ref 20/02649/HOU, dated 26 August 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) Unless modified in compliance with condition 4, the development hereby permitted shall be carried out in accordance with the following approved plans: 1720/5 Rev B; 1720/6; 1720/7.
  - 3) The materials used in the construction of the external surfaces of the two-storey extension hereby permitted shall match those used in the existing dwelling.
  - 4) Prior to construction of the extensions hereby permitted commencing above slab level, details of features designed to enhance biodiversity, and which shall be built-in to one or other of the extensions, shall be submitted to and approved in writing by the Council. The features shall then be provided in accordance with the approved details and retained thereafter.

### Main Issue

2. The main issue is the effect of the development on designated heritage assets, including, whether it would preserve the setting of a Grade II\* listed building, and whether it would preserve or enhance the character or appearance of Chiselborough Conservation Area (the Conservation Area).

## Reasons

3. The scheme would entail the addition of extensions to the rear of a relatively modern dwelling. The Council has not raised any objection to the single storey conservatory extension. In this regard the dispute relates solely to the 2-storey extension.
4. The 2-storey extension would be added to the rear of the dwelling on the side closest to 17 North Street, which is a Grade II\* listed building. At Grade II\*, No 17 is a designated heritage asset of the highest significance. Here paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be.
5. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in the possible late C16th date of the street fronting range, and its detailing, and construction in vernacular materials. This is principally appreciated from within the street, and from within a courtyard/garden space to the rear. The latter is partly defined by a large modern extension whose side wall runs close to the boundary with Barton House, and so substantially screens the rear elevation from view.
6. The site is also located within the Conservation Area. Again, insofar as it is relevant to the appeal, the significance of the Conservation Area resides in the historic layout of the village, and the collection and interrelationship of historic buildings and spaces that it contains. Within this context, both Barton House and No 17 form components of a street scene comprising a spaced sequence of dwellings of mixed age, design and scale, generally laid out in a similar position relative to one another and to the street.
7. The proposed extension would roughly square off the footprint of the existing dwelling, balancing an existing wing attached to the opposite side of the rear elevation. The extension would inevitably increase the overall scale and massing of the building. However, the form created would not appear unusual locally, would be both coherent and compact, and matching materials would be used. That being so, the form, scale and details of the extension would not appear in any way visually incongruous, wherever the dwelling was viewed from.
8. As the rear elevation of Barton House stands further back from the street than that of No 17, the proposed extension would not stand or be viewed alongside the main street fronting range of No 17. The overall increase in the scale and mass of Barton House would not otherwise be strongly apparent in views from the street, or therefore detract from appreciation of the significance of the front elevation and end gables of the listed building from this perspective.
9. As noted above, views from within the garden of Barton House towards No 17 are largely screened by the extension attached to the rear of the latter, and by a garage. In this regard, and given my findings above, the proposed extension would have no effect on appreciation of the significance of No. 17.
10. It appears that a more complete view of Barton House is available from within part of the garden of No 17. However, this view again also prominently features No 17's modern extension and the garage at Barton House. The view



holds no significance in itself, and the changes considered above would again have no obvious effect on appreciation of the significance of No 17.

11. From locations at a greater distance towards the west, both dwellings can be viewed together. Here they are seen in the context of other dwellings which line North Street. Given my findings above, the extension would again have no effect on what limited ability exists to appreciate the significance of No 17 from these distant vantage points. For this and the above reasons, I am therefore satisfied that the development would preserve both the setting of the Grade II\* listed building, and the character and appearance of the Conservation Area.
12. I therefore conclude that the development would have an acceptable effect on designated heritage assets. As such, it would comply with Policy EQ2 of the South Somerset Local Plan 2006 – 2028 (the LP), which seeks to secure development that preserves or enhances the character and appearance of the District, and Policy EQ3 of the LP which both seeks to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

### **Conditions**

13. I have imposed standard conditions which set out the time period for commencement of development, and which identify the approved plans for sake of certainty. I have also imposed a condition requiring the use of matching materials in relation to the 2-storey extension. This is in order to help ensure its integration, and satisfactory appearance in relation to its setting. There is no clear need to impose further conditions suggested by the Council which seek to govern finer details. These would be unnecessarily onerous.
14. The Council has requested an additional condition requiring installation of a built-in bat box and a built-in insect house. The condition specifies that the bat box should be installed away from windows on the south or west facing elevations. However, the 2-storey extension will not have a south facing elevation, and the conservatory is of insufficient height. There would otherwise be no place on the west elevation of the 2-storey extension where the box could be installed away from windows. The requirement for a south facing position also applies to the insect house, and in this case could be achieved in relation to the conservatory. However, the requirement to 'maintain' the insect house would be impractical given its construction from clay and reed. I have not therefore imposed the condition. I do however recognise the importance of enhancing biodiversity in the context of new development, and so I have imposed a revised condition, which will enable more practical and realistic measures to be agreed and implemented.

### **Conclusion**

15. For the reasons set out above I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR



## Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins (Service Delivery)  
Lead Specialist: John Hammond, Principal Planner  
Contact Details: john.hammond@southsomerset.gov.uk

### Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

### Recommendations

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 5.30pm**

The meeting will be viewable online by selecting the committee at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

Any member of the public wishing to address the virtual meeting regarding a Planning Application need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00 am on Tuesday 14<sup>th</sup> September 2021.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	BLACKDOWN, TATWORTH & FORTON	20/02247/OUT	Outline application with all matters reserved, except for access, for up to 13 dwellings	Land To The North Of Fore Street, Fore Street, Tatworth	Joint Application: 1. Brewer, Lillington 2. Land Allocation Ltd
13	BLACKDOWN, TATWORTH & FORTON	20/02249/OUT	Outline application with all matters reserved, except for access, for up to 35 dwellings	Land To The North Of Fore Street, Fore Street, Tatworth	Joint Application: 1. Brewer, Lillington 2. Land Allocation Ltd



Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

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# Agenda Item 12

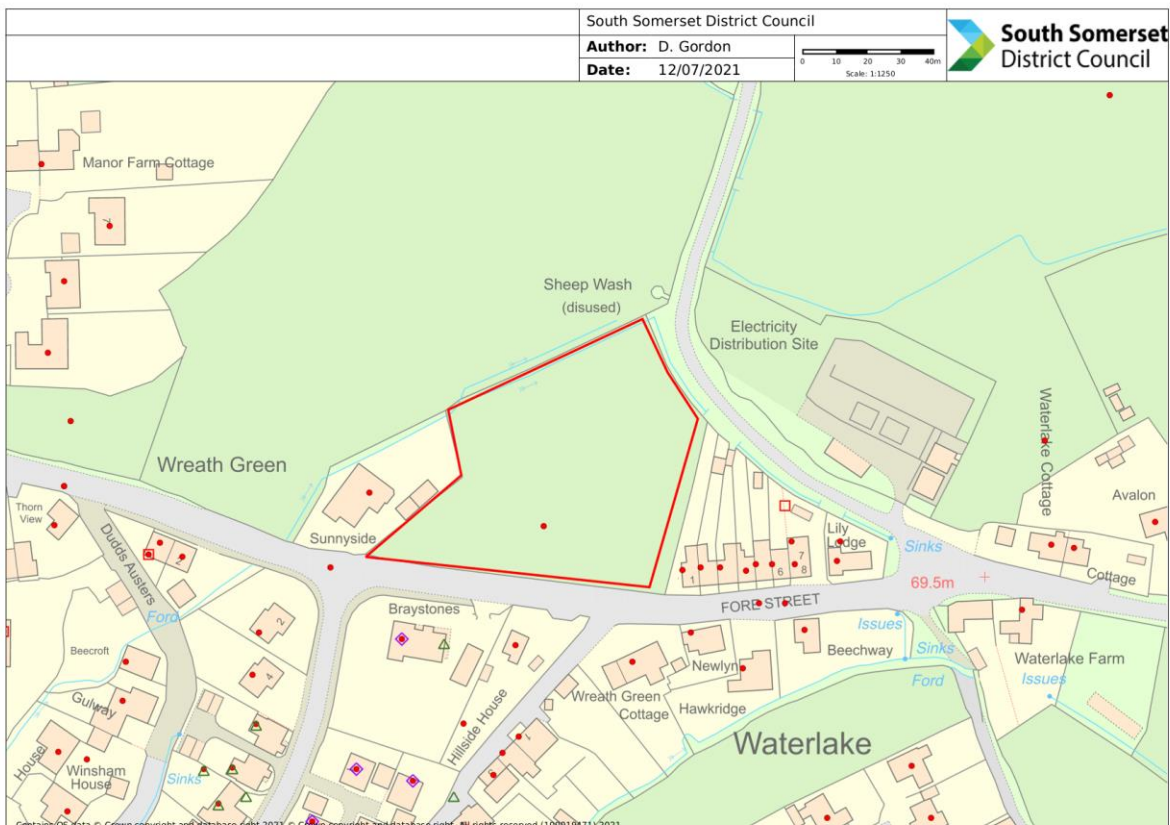
## Officer Report On Planning Application: 20/02247/OUT

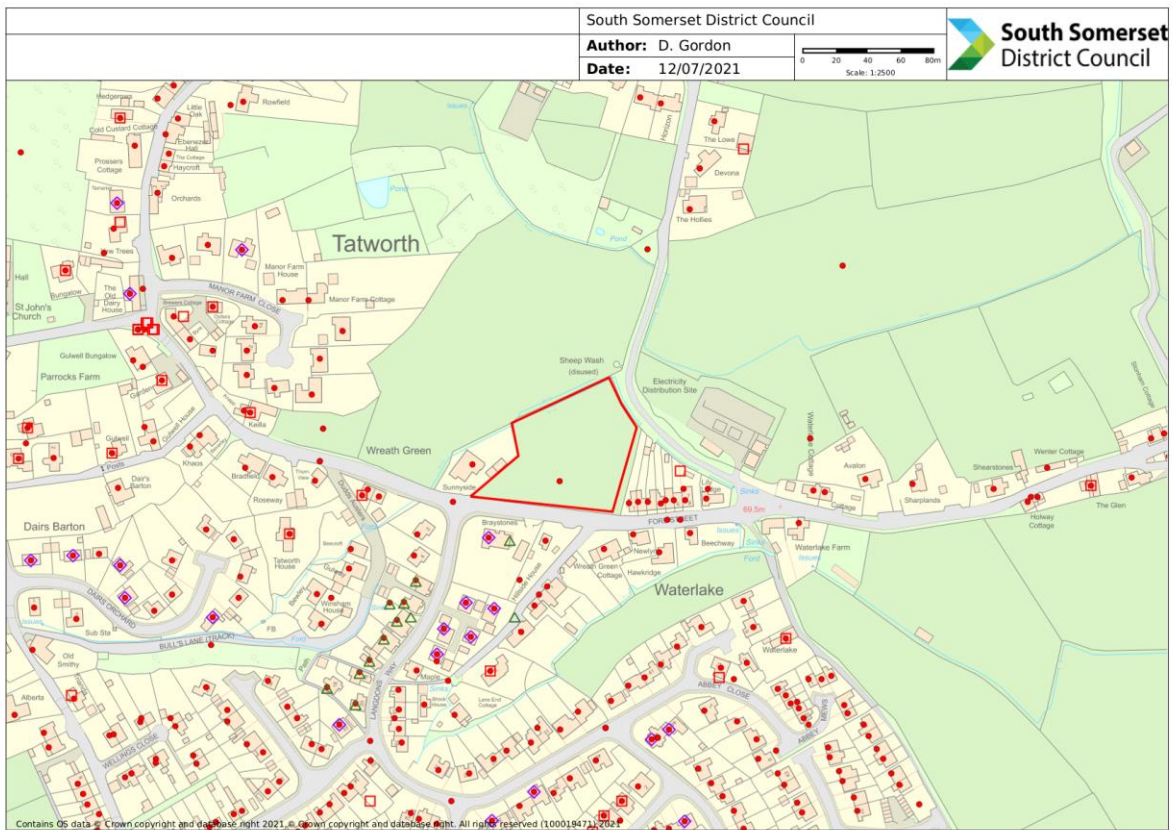
<b>Proposal :</b>	Outline application with all matters reserved, except for access, for up to 13 dwellings
<b>Site Address:</b>	Land To The North Of Fore Street Fore Street Tatworth
<b>Parish:</b>	Tatworth and Forton
<b>BLACKDOWN, TATWORTH &amp; FORTON Ward (SSDC Member)</b>	Cllr M Wale Cllr J Kenton
<b>Recommending Case Officer:</b>	Martin Lee (Principal Specialist) Tel: 01935 462531 Email: john.hammond@southsomerset.gov.uk
<b>Target date :</b>	10th November 2020
<b>Applicant :</b>	Joint Application: 1. Brewer, Lillington 2. Land Allocation Ltd
<b>Agent: (no agent if blank)</b>	Mr Paul Booth AAH Planning Consultants 2 Bar Lane York, YO1 6JU
<b>Application Type :</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area West Committee by ward councillors in view of the level of local concern regarding the site's access arrangements onto Fore Street.

### SITE DESCRIPTION AND PROPOSAL





This application for residential development of agricultural land for up to 13 dwellings is in outline with all matters except access reserved for future consideration under a separate reserved matters application.

A tandem application (Reference 20/02249/OUT) for the neighbouring, larger parcel of land abutting to the west is also currently under consideration. Each application is independent of the other.

Both reports follow a similar structure given their proximity and the range of issues raised relating to settlement roles, housing supply and consultee input. They differ in relation to the description and assessment of the individual site characteristics and relationships to heritage assets.

The site sits between Fore Street to the south and Loveridge Lane to the north and comprises open agricultural pasture on the north eastern side of Tatworth and is approximately 0.47 hectares in area. The site has no extant planning permissions and does not form part of any allocated site within the current South Somerset Local Plan.

There are watercourses along the north western and north eastern field boundaries returning alongside Loveridge Lane. The sites north western boundary adjoins the existing property Sunnyside as well as the common boundary with application 20/02249/OUT which it is proposed to connect to by way of a footpath.

The site is not allocated for any particular use within the adopted South Somerset Local Plan.

Immediately to the east is the application site is the residential curtilage to No 1 Fore Street, the westernmost of six terraced dwellings. Vehicular access is taken onto Fore Street. Other than the internal footpath link to the parallel application site there are no other connections proposed.

The mature hedgerow between the two application sites will provide visual separation and enclosure to each site reducing their impact upon the wider landscape.

The current outline application is supported by a range of supporting appraisals on areas which include: design and access; landscape; transport; flood risk & drainage; arboriculture; contamination risk; geology; ecology; archaeology, and; planning obligations.

Discussions with officers and liaison with statutory consultees has resulted in the augmentation of the original submission with revised illustrative site layout proposals based on a landscape strategy approach intended to form an indicative master plan for the site.

## **HISTORY**

There is no planning history to the site.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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.

South Somerset Local Plan (2006-2028) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Tatworth as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3- Provision of affordable housing

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor play space, sports, cultural and community facilities

in new development.

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

Chapter 16: conserving and enhancing the historic environment

## CONSULTATIONS

**Tatworth and Forton Parish Council:** Recommend refusal on the grounds that the access to the 13 houses will generate an increase in traffic, on a street which is a Safe Route to school and already has questionable safety, of 78 extra movements per day (using SSDC formula) excluding trade traffic.

### **SSDC Planning Policy:** (Key points)

- Monitoring from the start of the Local plan period (2006) indicated the delivery of 76 dwellings. With extent planning permissions this rises to 119 dwellings. (Delivered and committed) these two applications would take this total to 167 dwellings.
- Tatworth and Forton Parish has a population of 2621 based upon the 2019 mid-year population estimates. The 2011 census indicated the parish has some 1,170 dwellings as at 2011. Taken with the delivered and committed sites this would indicate a growth of some 12% in the village size over the Plan period.
- The Local Plan includes policies for the management of housing supply, including the settlement hierarchy, the role of rural settlements and provides an indication of the level of growth expected of Rural Centres. (The tier immediately above Rural Settlements) It should be noted that in light of the Templecombe appeal decision in July 2021, application reference 19/03416/OUT, appeal reference APP/R3325/W/20/3265558 which concluded that the district council did not have a 5-year supply of housing therefore these policies are considered out of date.
- The settlement of Tatworth & South Chard is served by a number of community facilities including a primary school, convenience shop/post office, pub, village hall, children's play area, recreation ground and faith facilities. This means that it qualifies for limited growth under Local Plan Policy SS2 Rural Settlements. This means that as a basic position the settlement is considered to represent a sustainable location within which additional development can be accommodated.
- Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable, a development of 35 dwellings would be expected to deliver about 12 affordable homes. A range of market homes should be provided in accordance with Local Plan Policy HG5.
- The submitted Planning Statement sets out how the applicant considers that the proposal meets the requirement of Policy SS2. Evidence has been provided from Homefinder Somerset of a local demand for affordable housing.
- Within and adjacent to the proposal site there are locally significant archaeological sites

(Probable post-medieval to 19th century catch meadow, and Sheep Wash, Loveridge's Lane) identified on the Somerset Historic Environment Record, and the curtilage of the Grade II Manor Farmhouse adjoins the north western boundary of the site (Policy EQ3). It is noted that the Planning Statement concludes there are no findings of interest as a result of the geophysical survey (para 6.34).

**Emerging Local Plan Review:** The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 18; with the most recent consultation on Preferred Options ending in September 2019. In the Preferred Options Plan Tatworth is identified in a new Village tier of the settlement hierarchy, and would qualify for limited development to meet local needs, support local services and economic activity, appropriate to the scale of the settlement (Policy SS1). The Local Plan Review Preferred Options document explains that Villages are settlements which are considered to be sustainable locations for small scale growth, and were identified as a result of having undertaken an assessment of a number of larger Rural Settlements. Overall the Plan anticipates 1,314 dwellings being delivered in 12 Villages over the plan period which equates to an average of 60 homes in each qualifying settlement over the Plan period.

A number of objections have been received with regards to Policy SS1. As the emerging Local Plan Review is still at an early stage in its preparation and objections have yet to be considered, it is judged that extremely limited weight can be attached to it (paragraph 48 of the NPPF).

**Planning Balance:** As is demonstrated above the settlement of Tatworth & South Chard is a Rural Settlement that benefits from a range of community facilities. With regards to the overall scale of growth the number of homes built during the plan period so far equates to about 5 per year. If existing commitments are to be built out and a further 13 dwellings were to be approved, this would potentially equate to just over 7 dwellings per year over the plan period. Cumulatively, with the adjoining site for 35 dwellings (20/02247/OUT), it would result in 8 dwellings per year over the plan period.

### **SCC Highways:**

**Background -** This application seeks outline consent for the erection of up to 13 dwellings all matters except the access are reserved. Fore Street is a classified un-numbered highway, which is subject to a 30mph speed limit. Approximately 100m to the west of the site the speed limit is reduced to 20mph. There is an existing field access in the south west corner of the site. The proposal would see the introduction of a priority 'T' junction, 5.5m wide with 6m radii, to serve the dwellings. This access would provide a staggered distance of approximately 54m to the existing junction of Fore Street & Langdon's Lane & of 30m to the Public Right of Way CH5/14 that serves a limited number of dwellings.

**Parking -** As the application is outline only and the submitted site layout drawing is an indicative layout only the dwelling mix has yet to be determined. With regards to vehicle parking provision the Highway Authority would require that the parking provision reflects that of the Somerset County Council - Parking Strategy (amended September 2013) (SPS). Below I have outlined the parking requirements for the area, which is located within a 'Zone C' region for residential development:

ZONE C	1 Bed	2 Bed	3 Bed	4 Bed	Visitor
Policy	2	2.5	3	3.5	0.2

Additionally, as part of the Somerset County Council Parking Strategy, new residential



development is required to provide cycle storage facilities and electric charging points for each property. To comply with the SPS standards there is a requirement for appropriate, accessible and secure storage for 1 bicycle per bedroom, the cycle parking should be secure, appropriate and accessible. Paragraph 4.5.5 of the submitted Transport Statement sets out that parking will be in accordance with the SPS, and paragraphs 4.5.4 and 4.6.1 sets out that electric charging points and sufficient cycle parking/storage will be provided.

Vehicle movements and splays - The average dwelling generates 6-8 vehicle movements per day, therefore the proposed development is likely to generate 78-104 additional vehicle movements per day. The development is likely to see approximately 8 two-way movements in the am/pm peak times. These figures are confirmed by the submitted Trip Rate Information Computer System (TRICS) data provided within the application submission. The Highway Authority does not consider that the proposed level of development is such that there would be a significant or severe impact on the highway network.

Drawing number S11144-NE-66-XX-DR-C-2001 P01 submitted as part of the transport statement shows visibility splays of 2.4m x 43m, however, this visibility splay is obscured to the east of the access by a mature tree that is not shown as 'to be removed' and partially obscured to the west of the access by other mature trees. Subject to the removal of the tree to the east of the access and the maintenance and further investigation of the trees to the west this visibility would be in accordance with Manual for Streets (MfS) and acceptable.

Other - Informative notes are required relating to the need to enter into an Advanced Payments Code payment, as well as securing a licence from the Highways Authority relating to works in the highway. Further advice is provided (and should comprise informatives) relation to road gradients, straight sections of road, internal junction design shared surface linkages lighting of footways root barriers the surfacing of public spaces and forward visibility.

Feasibility Safety Audit - Albeit the application is in outline and only access is being established SCC Highways has undertaken a safety audit with recommendations. The key issues relate to:

1. Recommend removal of mature ash tree to the north side of the access.
2. Lack of no street lighting in the vicinity of the site access.
3. Risk of collisions occurring between vehicles, pedestrians, and cyclists during the periods of darkness conditions due to insufficient highway lighting provision.
4. Risk of side-impact vehicle collisions occurring due to absence of sufficient hazard centreline road markings provided on the proposed development access road.
5. Inter-visibility to be provided on Fore Street as well as footpath proposed.
6. Recommendation that the two developments be linked to avoid the need for an additional access.

The highway assessment concludes however that issues 1-5 could be dealt with within the safety audit for the reserved matters. In relation to point 6 the applicant's highways consultant has advised that they consider the separate accesses to be individually acceptable and for other reasons relating to the value of the boundary hedgerow this is not a substantive ground for refusal. The highways authority has confirmed that they do not object to the use of two separate access points onto the road.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of any highway works necessary as part of this

development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

**Somerset Waste Partnership:**

Around half of the properties do not appear to have direct access to an adopted highway from which we make collections. Having direct access to the public highway makes transporting and presenting the waste/recycling clear and efficient for both the householder and the crew, and gives accountability for the waste to the householder, which is less likely if a communal collection point is used. Collection points can encourage anti-social behaviour with fly-tipping and containers being left out between collections which can cause tensions locally and spoil the streetscene.

At this stage I have no further concerns. I would assume a tracking diagram will be provided once the layout is confirmed. A waste collection strategy plan can be required as a part of the conditions applied to any approval.

**Police Designing Out Crime consultee:**

At this stage where only outline planning is sought, it is difficult from a crime reduction/prevention point of view to give detailed comments as the areas to be addressed would normally be decided upon at Reserved Matters stage. Should this application gain outline approval, the design and layout of any future reserved matters application should incorporate crime prevention measures and reflect the principles of designing out crime.

**Environmental Protection Team:**

Thank you for the consultation. There is a need to protect local amenity during the construction phase. This should be secured by planning condition.

**SSDC Affordable Housing:**

Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 5 units based on a development of 13 dwellings. These would be split as 4 for social rent and 1 for shared ownership or other intermediate affordable solution.

I would propose the following mix detailed below:

2 x 1 bedroom flat/house/bungalow (2 person)

2 x 2 bedroom house/bungalow (4 person)

1 x 3 bedroom house (6 person)

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 2 clusters with social rented properties in each cluster.

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

Space standards should follow the National Technical Standards

**SCC Education:**

Only secondary school places are required in this location. The pupil yield calculation for 13 dwellings for secondary is  $13 \times 0.14 = 4.9$  - 2 secondary pupils

The current cost to build for secondary pupils is £24,861.00, Therefore  $2 \times £24,861 = £49,722.00$  which will be used to increase capacity at Holyrood Secondary School.

**NHS Somerset Clinical Commissioning Group:**

As a result of the proposed development above, Somerset CCG would like to request that Section 106 contributions are provided to offset the proposed increase in patient numbers. Any monies contributed will be utilised to ensure that the Somerset health system can continue to provide a high quality and continuity of care in Chard.

We anticipate a patient increase of approximately 29 patients. Based on our calculations, we will be seeking a contribution of £3948.06. (Note, subsequently the NHS CCG submitted a revised bid to increase funding, given it follows on a matter of months after the initial bid officers have queried the justification for the revised sum, an update will be verbally reported at committee.)

**SSDC - Strategy & Commissioning:**

Details of the contributions sought in respect of open space, sport and recreational provision for inclusion in any S.106 based on the scale and anticipated impact of the development proposed:

Overall contribution Total = £38,747, (1% Locality Service Administration Fee = £387.00)

Overall Level of Planning Obligation to be Sought = £39,135.00. (Equates to £3,010.00 per Dwelling)

**Natural England:**

No objection, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection.

Stowell Meadow of Special Scientific Interest - based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes -Based on the plans submitted, Natural England do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONBs.

Biodiversity Net Gain - We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development.

**Dorset AONB Team:**

I have reviewed the outline proposal, alongside the neighbouring application. The site is located approx. 1.5 km from the boundary of Dorset AONB, although intervisibility between the site and

the designated area would only be possible over notably greater distances, due to landform. In my opinion, views of the site area from Dorset AONB would be distant and substantially filtered by intervening vegetation.

**Blackdown Hills AONB Team:**

Although the sites are just approximately 1km distance from the Blackdown Hills AONB boundary, seen in the context of the village, beyond the metaphorical barrier of the A358, and taking account of topography and vegetation, I would not consider these proposals individually or cumulatively to adversely affect the Blackdown Hills AONB or its setting.

Long and panoramic views out are one of the AONB's special qualities. Some properties in the village are visible in the foreground of long distance views towards the Dorset AONB and Windwhistle Hill area between Chard and Crewkerne, and so we would be keen to ensure that development here does not become an unduly prominent feature that would draw the eye. In due course roof colour should therefore be a consideration (avoiding bright red or orange tiles for example), alongside retention of existing mature trees as part of a broader landscaping scheme.

**Somerset Ecology Services:**

A Preliminary Ecological Appraisal/Extended Phase 1 survey (JNCC 2010) for bats, reptiles, amphibians, birds, dormice, badgers, hedgehogs, water voles and otters; protected species surveys for bats, reptiles and dormice; and an Ecological Impact Assessment of the application site was carried out between April 2020 and February 2021 by Arbtech. Designated sites include Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

Amphibians: There is only one pond within 250m of the development that could potentially provide suitable breeding habitat for GCN which lies approx. 50m northwest. A second pond is shown on OS maps adjacent to the north but this area could be viewed from the site and the adjacent road and no ponds were visible. There are no GCN records within 2km. There are no GCN EPSLs in the area and a local pond just over 500m south east was subject to survey and was negative for GCN (based on surveys for district level licencing). Given that GCN are scarce in the area and the nearby pond tested negative it is unlikely that this species is present on site.

Bats: 1 tree roost of #5 soprano pipistrelle present on site. Limited foraging by common pipistrelle on site. Also a locally important serotine bat roost in woodland to the north of the site.

Badgers: There was no evidence of badger use on site and no sett.

Birds: The hedges and trees on site provide suitable nesting habitat. The grassland and hedgerow habitats are ideal for barn owl foraging.

Reptiles: Adult and Juvenile slow worms were recorded on the site. A maximum count of three slow worms was recorded during a survey. [A further 30 refugia were also monitored in the southern allocation at the same time and adult and juvenile slow worms were found as well as a single grass snake - this is reported separately].

Dormice: Nests and adult dormouse were found along Fore Street and in the hedge with field trees along the stream.

Hedgehogs: The grassland and hedgerows provide suitable hedgehog habitat.

Water voles and otters: There are records of these species in the local area. The small ford and ditches on and around the site could support a water vole population but are unsuitable for otters. There was no evidence of water vole activity within the survey area.

Recommendations, to comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, conditions are required to protect relevant habitat.

### **SCC Lead Local Flood Authority:**

In regards to the discharge rate from the site, the consultant has advised that rates cannot be restricted further as a single system would not be feasible, and that due to adoption reasons, the rates cannot be restricted further. It has also been shown by the consultant that the receiving culvert is of suitable capacity to take flow from the site. We have reviewed the discharge rate calculations and determined that the rate has been based on a soil type number of 1 (permeable soils) however soils mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)." Therefore, the solid index would likely be higher, and therefore, the discharge rate from the site would likely be higher than the greenfield QBAR shown within the FRA.

Furthermore, as the soil mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)", infiltration testing can be sought at detailed design.

Due to the above, we would accept the discharge rate of 2 l/s from 20/02247/OUT and 2 l/s from 20/02249/OUT. Please be aware that at detailed design any flooding within the 100 year +40% climate change event must be clearly shown to be retained onsite. We have suggested conditions for the permission.

### **South West Water:**

I refer to the 2 applications referenced above and would advise that South West Water has no objection subject to foul flows only being connected to the public sewer.

## **REPRESENTATIONS**

- The development is contrary to SSDC Adopted Local Plan Strategy and the emerging Local Plan.
- SSDC will have met their District-wide housing need when they produce their revised figures in October- there is definitely no need for either of these developments.
- There is no identified need for this housing, or this level of housing, in Tatworth. Housing in this part of the village will have increased by over 80% in less than 10 years. The combined two current applications represent a 43% increase in housing to the north of Waterlake Road
- Incremental new development has always been assimilated into this part of Tatworth but this amount of housing will overwhelm the character of the area and create a nondescript, characterless housing estate.
- In sustainability terms, the disbenefits considerably outweigh any benefits
- Approx 100 cars (at least 200 traffic movements) per day will access directly onto the 'Safe

Route to School' which is already unlit and unpaved along much of its length.

- Surface water flooding has been dismissed as an issue by the applicants (despite full consideration and mitigation being a requirement of the National Planning Policy Framework) and will increase as grassland is developed. The Environment Agency maps show that some parts of the site are already subject to some flooding and the risk of runoff to the lower Wreath Green housing just below the site is very high. The FRA does not acknowledge or address this at all.
- The Bat assessment has not been carried out in accordance with the best practice cited. It does not acknowledge the most significant nearby roost at The Orchards and does not take any account of the feeding grounds/flight paths from this roost which will be significantly impacted by removal of their habitat and introduction of lighting, noise and activity (as well as predatory pets). It should be corroborated by an independent ecologist employed by SSDC. Furthermore, the bat assessment appears to rely on remote detectors and bat identification by computer software (rather than human interaction) which is notoriously open to error. It is totally inadequate to meet the Habitats legislation.
- Similarly, the proximity to Stowell meadow means that an assessment of the flora and invertebrate species on the site should have been carried out, according to the EIA/HRA legislation. This has not been done.
- The assessment of impact on nearby heritage assets is totally inadequate. It does not consider the conservation area and dismisses the potential impact on the listed buildings (two of which immediately adjoin the site). It does not assess their significance (as required by the NPPF), the impact on their setting, or the historic relationship between their agricultural roots and the development site fields. The statement doesn't even recognise the nearest, Manor Farm Cottage, as a separate dwelling
- The development will urbanise a quiet, rural recreational route between footpaths and erode the rural character of this part of Tatworth. Lighting, noise, traffic and increased activity will impact on local amenity to an unacceptable degree.

## **PLANNING ISSUES**

The main issues to assess in considering this application are considered to be:

- The scale of development in relation to the size and function of Tatworth
- The Council's housing supply position
- Highways and site access
- Surface water flooding
- Landscape impact
- Impacts upon ecology
- Impacts upon heritage assets
- Affordable housing and community infrastructure

## **THE SCALE OF DEVELOPMENT IN RELATION TO THE SIZE AND FUNCTION OF TATWORTH**

Tatworth & Forton Parish comprises a Rural Settlement within the hierarchy of settlements within the South Somerset Local Plan. This tier of settlements does not have a specific housing target allocated to it and equally does not have specific sites allocated for residential development. The Local Plan has relied instead upon Policy SS2 to define the criteria for site identification on a case by case basis through the development management process.

Whilst the adopted Local Plan does not define housing targets for the rural settlements it does set out an approach to considering scale and settlement at paragraph 5.30:

"The Rural Settlements tier of the settlement hierarchy covers a range of settlements that vary widely in size, role, function, local priorities, and constraints. Therefore, the interpretation of Policy SS2 will depend on applying these factors in considering proposals at each individual settlement; for example a proposal that is acceptable in one of the larger Rural Settlements such as Templecombe, which has a relatively strong employment function and good sustainable transport links with the presence of a railway station, will be different to a smaller Rural Settlement such as Compton Dundon which does not have these features."

With a population at 2011 of 2,259 and 996 dwellings Tatworth and its associated communities comprises the largest of the Rural Settlements that fall below the rural Centre classification in the settlement hierarchy. It is also relatively well provided for in terms of community infrastructure with access to a primary school, convenience retail, public house, hall / faith facility and play areas having 5 of 6 local services identified in the Councils topic paper "The Potential For Rural Settlements To Be Designated Villages. (11/2018)

This Topic Paper, forming part of the evidence base for the Local Plan Review itself carries no statutory weight, however it does provide evidence of the Council's reliance upon delivery of housing in rural areas as well as the capacity of larger villages within the Rural Settlement tier to accommodate a greater proportion of housing growth.

Over the Plan period Tatworth has had some 76 housing completions and has further commitments for 43 dwellings. The combined impact of the existing dwellings and approvals, taken with the development within applications 20/02247/OUT for 13 dwellings and 20/02249/OUT for 35 dwellings will take this level of provision to 167 dwellings resulting in a level of growth over the plan period of 12%.

This level of growth (including the application sites) is relatively consistent with the level of growth experienced by a number of the larger villages within the district, including Ilton, Henstridge Merriott, Misterton and West Coker which have all delivered between 10-15% growth over the same period.

Given the above, the level of growth that would be enabled by the approval of these 2 applications is not inconsistent with growth at similar scaled communities. It is accepted that by reason of their size the 2 applications will significantly increase the level of development within this part of Tatworth, however that position is true of any development of this scale within a village comprising a series of inter-connected roads and separate neighbourhood areas within the wider settlement.

## **THE COUNCIL'S HOUSING SUPPLY POSITION**

On 6 July 2021 South Somerset District Council (SSDC) received the appeal decision on planning application 19/03416/OUT for a proposed residential development at Manor Farm, Combe Hill, Templecombe: Ref: APP/R3325/W/20/3265558.

In presenting her findings on the five-year housing land supply, the Inspector concluded that

using the standard method with a 5% buffer SSDC is able to demonstrate a five-year housing land supply of between 3.97 and 3.66 years (paragraph 44). This conclusion primarily stemmed from her concerns over the impact of the uncertainty around phosphate mitigation solutions across the district on housing delivery. The Inspector did however accept that SSDC's calculations were consistent with the NPPF/PPG methodology.

As a consequence of this decision SSDC currently accepts that it cannot currently evidence a five-year housing land supply.

Whilst the authority is making progress to resolve the current phosphate related delays in releasing developments across the Ramsar catchment impacted parts of the district the uncertainty over the timing for putting in place an adopted Strategy and accredited mitigation schemes means that the tilted balance is applied to decision making for the current time. This is set out at paragraph 11 of the NPPF (July 2021) and states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 refers to policies in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Footnote 8 refers to situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In summary therefore those policies which seek to protect recognised heritage, landscape and environmental designations retain full weight, however policies which seek to restrict the supply of housing are considered to be out of date.

The landscape environmental and heritage issues are covered in more detail below.



## **HIGHWAYS AND SITE ACCESS**

A key objection to the two applications is that they maintain separate points of access onto the highway which is identified as a safe route to school. (This in addition to a linked objection to the creation of either new access onto the road.)

Firstly, in relation to the submission of the application as two separate but linked proposals, the starting point would be to determine whether the proposals is seeking to avoid obligations that would arise from it if the application were submitted as a single proposals for a single, larger development.

In this instance both applications exceed the 10 dwelling threshold which is the base line for seeking contributions towards affordable housing, education infrastructure and on or off site open space contributions. As such, the contributions being sought from the two applications is equivalent to that which would be sought from a single proposal therefore there is no particular benefit to the applicant from promoting the parallel applications as opposed to a single scheme. The two applications are linked by a footway connection rather than an internal road connection. The applicant has confirmed that they consider the hedgerow that runs between the two sites and which is bounded by a watercourse represents a biodiversity asset the value of which would be diminished by the opening up of a road of some 5m width together with 2m footway, whereas the provision of a pedestrian link reduces the width and engineered nature of any breach in the movement corridor that the hedge and ditch provide. On the basis that their own highways advice prior to making the applications was that two points of access subject to appropriate sightlines would be acceptable, this approach to presenting the two applications has sought to retain the environmental asset comprising the hedge and ditch in a more intact manner that would be the case for a through link or single cul de sac.

As a part of the highway comments upon the scheme Somerset Highways have commissioned a safety audit in addition to commenting upon the merits of the scheme and have concluded that there is no highways objection to proposals that result in two accesses serving two cul de sacs. The safety audit has made a number of comments about the illustrative site layout but the report has also concluded that of these issues all but one can be resolved through consideration of the detailed proposals brought forward at the reserved matters stage.

The one issue which the highways comment has raised is the proposal for 2 separate accesses to serve individual cul de sacs. The rationale for this has been explained by the agents confirmation that following both their initial and further highway assessments the need (as opposed to desire) for a single point of access has not been demonstrated and therefore they remain committed to retaining the mature hedgerow as far as possible between the two sites. Somerset Highways has confirmed that this issue was presented in the form of a suggestion and consequently they do not object to the schemes as presented.

In summary, therefore there is no highway objection to either of the applications by reason of their dwelling numbers and therefore trip generation or by reason of the number and location of access points.

## **SURFACE WATER FLOODING**

Comments have been made that the application submission ignores surface water flooding. By

reason of the various local water courses comprising ordinary water courses and not main rivers the land associated with the water course edge does not as a point of fact comprise Flood Zones 2 or 3 which of itself would introduce the need to apply a sequential test.

The site is impacted by surface water flooding with a combination of the ordinary watercourse to the north of the site and the topography of the site, sloping down from Tatworth Street resulting in medium velocity surface flows running through the fields to the north of, but outside the site and low velocity and depth flows across parts of the site itself.

Somerset County Council as the Lead Local Flood Authority has reviewed the initial submissions and sought additional information from the applicant in light of its own advice regarding the soil's infiltration characteristics before agreeing to the proposals subject to conditions that ensure detailed designs within the 100 year & 40% climate change event will retain surface water on site before release to water courses.

## **LANDSCAPE IMPACT**

The field is lower lying than that proposed for development under application 20/02249/OUT. It effectively rounds off the residential character established by Nos. 1-6 Fore Street with housing and gardens linking Fore Street and Loveridge Lane.

The presence of the retained field hedge to the north western boundary will maintain a mature green skyline and contain the site in a manner largely separate from the larger site the subject of the separate application.

As with application 20/02249/OUT, the application site will reflect the wider enclosure of the site by loose knit housing development along Loveridge Lane and the more formal arrangements along Fore Street.

The development will significantly change the character of the application site, however that is the consequence of development, the site itself is largely contained by established built form and by reason of its location within the village the impact upon the wider landscape and countryside is mitigated.

The application proposals do not adversely impact upon protected landscapes including the Dorset and Blackdown Hills AONB.

The protection of the boundary features and areas of open space will be secured by placing them within a common management company ownership.

## **IMPACTS UPON ECOLOGY**

The application is accompanied by a Preliminary Ecological Appraisal / Extended Phase 1 Survey together with an Ecological Impact Assessment carried out between April 2020 and February 2021.

These studies identified both the Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

Somerset Ecology Services in response to consultation identified a number of habitats in the area, of relevance, including:

- A stream is present on site and around site boundaries. The mature species rich hedgerow present around the site is also a priority habitat.
- The site is predominantly improved grassland used to graze livestock. The sward is dominated by lush grasses with very few herbs. Dominant grasses were meadow foxtail, timothy, Yorkshire fog and perennial ryegrass. The presence of broad-leaved dock, dandelions and buttercups indicate an improved sward. The photograph opposite shows the site facing north east.
- The site is lined with a dense hedgerow which covers a significant portion of the boundary. The hedgerow to the east is well managed, thick and stock proof with a few scattered trees including ash and horse chestnut. The hedgerow species present include hawthorn, elm, hazel, dogwood, privet and elder. The ground flora along the hedgerow includes red campion, bluebells, lords and ladies, dandelion, cow parsley, hogweed, herb Robert, stitchwort, garlic mustard, dog's mercury, common vetch and common nettle. The photograph opposite shows the eastern boundary hedge where a ditch runs alongside.
- The small stream runs across the diving hedge on site and also partially along the eastern boundary. The stream is fast flowing and shallow with excellent water clarity. The stream and banks are overgrown with brooklime, common nettle and grasses, also with red campion, broad leaved doc, cleavers and comfrey.

Having reviewed the appraisal and constraints Somerset Ecology Services has concluded that there is no objection to the development subject to conditions being applied to any permission to secure a combination of protection for habitats as well as mitigation to ensure a biodiversity net gain.

## **IMPACTS UPON HERITAGE ASSETS**

The application site is located outside of the Tatworth Conservation Area which is relatively tightly defined around Tatworth Street Axminster Road School Lane and Waterlake Road The Conservation Area includes the Grade II listed Gulwell house and Cottage the gardens to which are present in views west along Fore Street to include the application site as a foreground view on the opposite side of the road. Given the degree of set back of buildings within the application site, other than the new access the streetscene view towards the conservation area will experience little in the way of change.

The Grade II listed Manor Farmhouse the wider historic context of which is located to the north west of application 20/02249/OUT is now significantly separated from this application site by reason of the bungalow development which envelops it together with the separation and two mature field boundaries. This application is not considered to impact upon the setting of significance of that asset by reason of topography, distance and intervening development.

## **RESIDENTIAL AMENITY**

Drawing CAL020620 MP-09 shows a mix of chalet and two storey designs. Along Fore Street an parallel to the two storey cottages adjoining the site a continuation of two storey form is appropriate. Where a proposed dwelling is suggested fronting the garden to No. 1 Fore Street the dwelling is indicated to be one and a half floors. By reason of the differing levels between

the application site and the curtilage to No. 1 Fore Street it is considered necessary that any dwelling in this vicinity should be single storey only.

In relation to Sunnyside, given the sloping nature of the site it is considered that one and a half storey form would be acceptable subject to any dormers being on the east elevation only.

## **AFFORDABLE HOUSING AND COMMUNITY INFRASTRUCTURE**

The application is required to deliver on site affordable housing. This will equate to 5 units with the Council's housing officer seeking 4 social rent and 1 shared ownership units to include:

- 2 x 1 bedroom flat/house/bungalow (2 person)
- 2 x 2 bedroom house/bungalow (4 person)
- 1 x 3 bedroom house (6 person)

The Education Authority has identified a need to make provision for additional capacity at Holyrood School to accommodate the 5 pupils it anticipates arising from this development. Based upon its build cost calculator, this would equate to £49,722.

The NHS Clinical Commissioning Group has identified a need to improve service provision based upon Chard and has identified a need for a contribution of £3,948.06 based upon some 29 patients. (Subject to clarification)

SSDC Open spaces sport and recreational policies indicate a need to secure £38,747 & an administration fee of £387 which equates to £3,010 per dwelling.

These sums would need to include a pro- rata provision in the event that the reserved matters submission does not extend to the full "up to" 13 dwellings.

## **CONCLUSION**

The application site is located within one of the district's larger rural settlements. The level of development taken with existing dwellings and commitments over the Local Plan period is in line with the level of development at other rural settlements within the Local Plan hierarchy. There will be a localised change to the character of the village, however the site, by reason of its landscaped boundaries and topography is well contained and located within a context that is generally defined by established residential development. There are no adverse impacts upon the conservation area and Manor Farm.

The applicant has provided additional supplementary information and illustrative master plan proposals for the development of the site based on a deeper understanding of the character of the area and potential impacts. Having given due regard to the application submitted and the potential to incorporate environmental, visual and highway safeguards in conditions attached to any outline permission the proposals are generally considered acceptable, subject to a S.106 securing the relevant planning obligations highlighted in the above report.

## **RECOMMENDATION**

To grant outline planning permission subject to the applicant entering into a S.106 Agreement with the Local Planning Authority within 4 months of the date of resolution to secure:

- 35% affordable housing
- Financial contribution towards education needs
- Financial contribution towards open space and recreation
- Financial contribution towards Health infrastructure
- A resident management company to manage open spaces and landscaped areas
- Footpath connection

For the following reason:

01. The proposal by reason of the ability to consider and control scale, layout, design and landscaping within any reserved matters would not result in harm to the landscape, local character, the historic environment, residential amenity, flood risk, ecology or highway safety. As such the proposal is considered to comply with Policies SD1, SS1, SS4, TA4, TA5, TA6, EQ1, EQ2, EQ4 of the adopted South Somerset Local Plan (2006-2025), the provisions of the NPPF (as amended) and the National Design Guide.

**SUBJECT TO THE FOLLOWING:**

01. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

FIVE YEARS from the date of this permission; or

The expiration of TWO YEARS from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE YEARS from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

02. Details of the appearance, landscaping, layout 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: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

03. The development hereby permitted shall be carried out in accordance with the following approved plans:

CAL020620 MP-01  
S11144-NE-66-XX-DR-C-2001 P01

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

04. No more than 13 dwellings shall be constructed within the application site. The reserved matters application will be accompanied by a housing mix assessment that sets out how the reserved matters application has responded to the Council's most up to date Housing Needs Assessments.

Reason: To define the permission and ensure that the resultant scheme in meeting housing needs within the district.

05. Notwithstanding the illustrative nature of the Indicative Site Layout Scale and Massing Plan (Reference CAL030620 MP12) the storey heights of dwellings submitted as part of any reserved matters application shall accord with the storey heights for the general locations shown on this plan with the exception of any property immediately fronting the curtilage of No 1 Fore Street as indicated by plot 9 on drawing S11144-NE-66-XX-DR-C-2001 P01 shall only be of single storey form. Furthermore, any dwelling proposed to be located within the area defined by the illustrative curtilages of plots 2 and 3 on that drawing shall only include dormer windows on their roadside facing elevation.

Reason: To respect the site's topography and neighbouring residential amenity as well as the landscape impact of any development in accordance with Policy EQ2 of the South Somerset Local Plan.

06. No work to excavate foundations or roads shall take place within the area indicated on plan number CAL020620 MP-01 until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been secured by the applicant, or their agents or successors in title and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of identifying and preserving the archaeological significance of the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ3 of the adopted South Somerset Local Plan 2006 - 2028.

07. No development shall take place until details of protective fencing to be erected around existing trees and hedges within the site have been submitted to and agreed in writing by the Local Planning Authority. The approved fencing shall be implemented before work commences on site and shall be retained for the duration of the works. No works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: In the interests of protecting the root protection zones of existing trees and hedgerows bounding the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

08. No construction works shall take place before 0800 on weekdays and 0900 on Saturdays, nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or recognised public holidays.

Reason: To ensure that the residential amenities that existing occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ7 of the adopted South Somerset Local Plan 2006 - 2028.

09. No development shall commence, including any works of demolition, until a Construction Method Statement (Amenity) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - Arrangements for liaison with the Council's Environmental Protection Team
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
  - Procedures for emergency deviation of the agreed working hours shall be in place.
  - South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
  - Control measures shall be in place for control of dust and other air-borne pollutants.
  - Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

10. CEMP: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, bat roost buffer protection zones, reptile mitigation strategy, amphibian mitigation measures, dormice mitigation strategy, water voles mitigation strategy, pollution prevention measures to the stream on site and around the site boundaries etc.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

11. No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. 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;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

12. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety and to protect the existing road infrastructure through the course of the development, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.



13. No works for the excavation of foundations or road alignments and routes shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than 2 l/s. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Details to ensure that any flow from offsite will be adequately managed to prevent and manage flood risk to the proposed development site, or elsewhere.
- Any works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.
- Flood water exceedance routes both on and off site, noting, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled onsite and within the designed exceedance routes demonstrated to prevent flooding or damage to properties. Flood events in excess of the 100 year+40% climate change event must be managed within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. This should include any watercourses under riparian ownership of the site.

Reason: To ensure a satisfactory method of drainage in accordance with guidance set out in the National Planning Policy Framework and Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

14. No development shall commence until plans showing finished floor levels and threshold levels for new openings to the building have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006 - 2028.

16. No development above damp proof course shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development hereby approved is first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

17. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No S1114-NE-66-XX-DR-C-2001) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times. Prior to the development hereby permitted being first brought into use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

18. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays,

accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

19. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number S11144-NE-66-XX-DR-C-2001, and shall be available for use before commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

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

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

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

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

22. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

23. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

24. No part of the development shall be occupied until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including the provision for the appointment of a Travel Plan Co-ordinator, targets, a timetable and enforcement mechanism) and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To encourage the use of alternative forms of transport to the site, in accordance with the provisions of Policies TA1 and TA4 of the adopted South Somerset Local Plan 2006 - 2028.

25. Biodiversity Net Gain: A 10% Biodiversity Net Gain (BNG) in habitat value using Natural England's Biodiversity Metric 2.0 will be required to be demonstrated in site's layout, masterplan and/or landscaping plan at the reserved matters stage. Some of the BNG habitat value should be focused on dormice, bats and reptiles. Alternatively, a financial and administrative agreement to achieve BNG offsite, if this cannot be accommodated on site, will be made between the applicant and the Local Planning Authority.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework the provisions of the Environment Act and the Somerset Biodiversity Supplementary Planning Document.

26. LEMP: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to any works to strip the site. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

27. Dormouse Habitat: As dormouse habitat including along Fore Street and in the hedge with field trees along the stream will be affected and dormice could potentially be harmed the following is required to be conditioned in order that South Somerset District Council fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

The development shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

28. Reptile Mitigation: No works, including vegetative clearance and ground works, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:

- a) proposed construction working practices to avoid harming reptiles
- b) details of proposed location of refugia, to accommodate any reptiles discovered during works
- c) timing of works to minimise the impact on reptiles
- d) if required, details of the location and status of translocation site

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the identified presence of and need to protect European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

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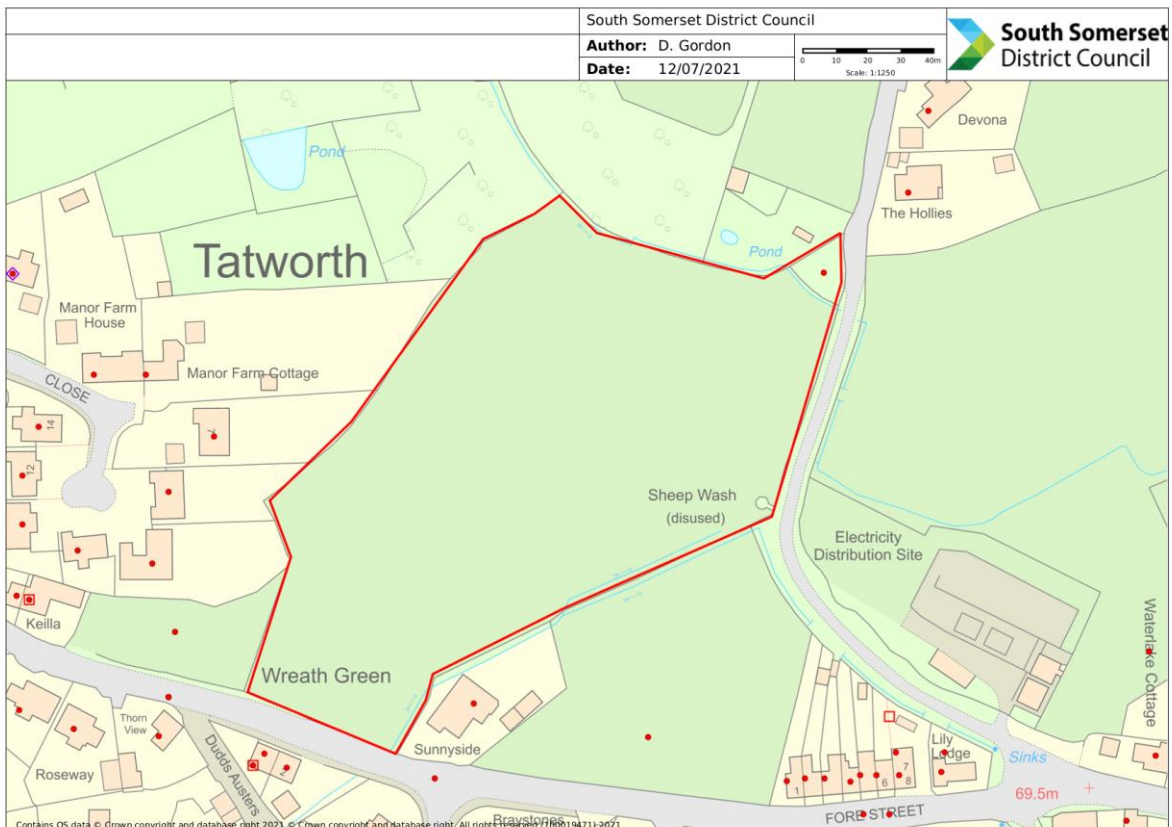
# Agenda Item 13

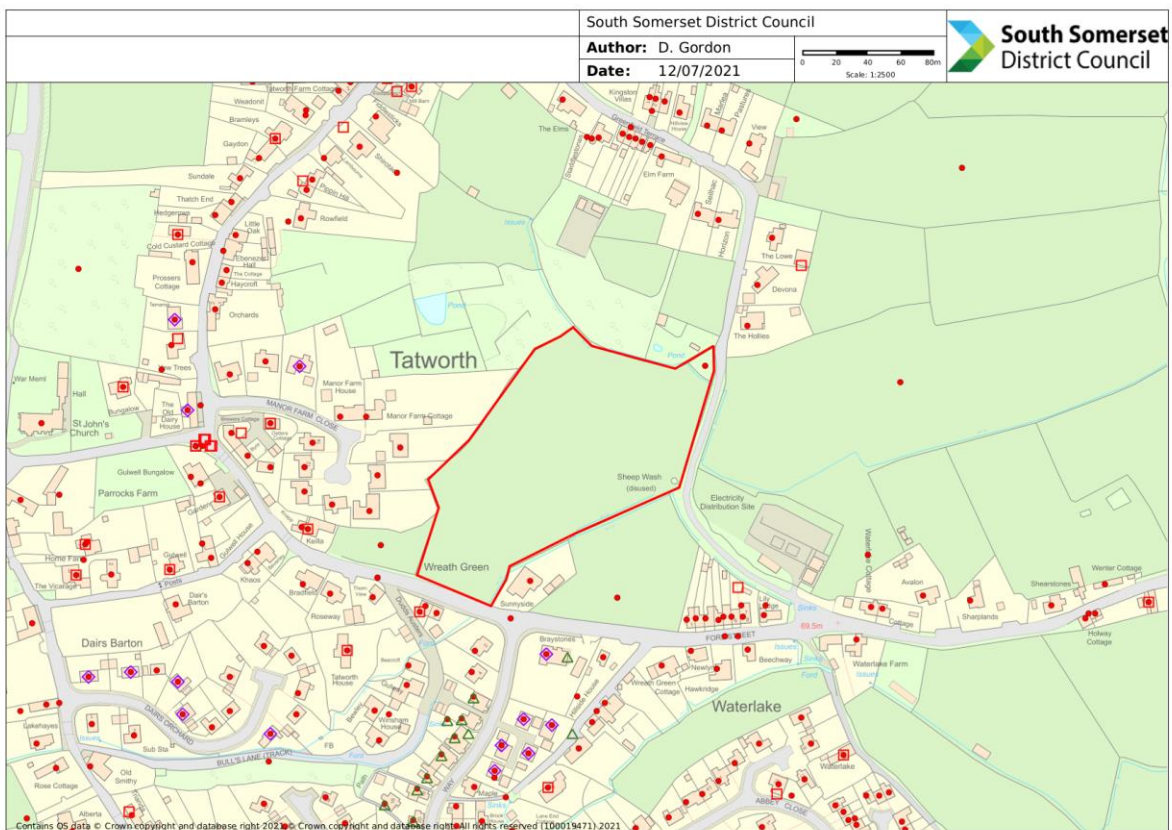
## Officer Report On Planning Application: 20/02249/OUT

<b>Proposal :</b>	Outline application with all matters reserved, except for access, for up to 35 dwellings
<b>Site Address:</b>	Land To The North Of Fore Street Fore Street Tatworth
<b>Parish:</b>	Tatworth and Forton
<b>BLACKDOWN, TATWORTH &amp; FORTON Ward (SSDC Member)</b>	Cllr M Wale Cllr J Kenton
<b>Recommending Case Officer:</b>	Martin Lee (Principal Specialist) Tel: 01935 462531 Email: john.hammond@southsomerset.gov.uk
<b>Target date :</b>	10th November 2020
<b>Applicant :</b>	Joint Application: 1. Brewer, Lillington 2. Land Allocation Ltd.
<b>Agent: (no agent if blank)</b>	Mr Paul Booth AAH Planning Consultants 2 Bar Lane York, YO1 6JU
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area West Committee by ward councillors in view of the level of local concern regarding the site's access arrangements onto Fore Street.





## SITE DESCRIPTION AND PROPOSAL

This application for residential development of agricultural land for up to 35 dwellings is in outline with all matters except access reserved for future consideration under a separate reserved matters application.

A tandem application (Reference 20/02247/OUT) for the neighbouring, smaller parcel of land abutting to the east is also currently under consideration. Each application is independent of the other.

Both reports follow a similar structure given their proximity and the range of issues raised relating to settlement roles, housing supply and consultee input. They differ in relation to the description and assessment of the individual site characteristics and relationships to heritage assets.

The site sits between Fore Street to the south west and Loveridge Lane to the north east and comprises open agricultural pasture on the north eastern side of Tatworth and is approximately 1.75 hectares in area. The western boundary generally comprises the rear garden boundaries with dwellings served by Manor Farm Close. The south western boundary to the site partly bounds the curtilage of Sunnyside which is also bounded by application 20/02247/OUT.

There are watercourses along the southern field boundary which then returns alongside Loveridge Lane as well as a further small watercourse along the northern boundary.

The site is not allocated for any particular use within the adopted South Somerset Local Plan.

Immediately to the east is the above mentioned tandem application site which is also open pasture. To the west existing residential development and to the north are smaller parcels of pasture. The highest part of the site is along the western and northern boundary with the ground falling to the east. The site slopes down from north and north west to the south and south east.

The current outline application is supported by a range of supporting appraisals on areas which include: design and access; landscape; transport; flood risk & drainage; arboriculture; contamination risk; geology; ecology; archaeology, and; planning obligations.

Discussions with officers and liaison with statutory consultees has resulted in the augmentation of the original submission with revised illustrative site layout proposals based on a landscape strategy approach intended to form an indicative master plan for the site.

## **HISTORY**

There is no planning history to the site.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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.

South Somerset Local Plan (2006-2028) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Tatworth as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3- Provision of affordable housing

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor play space, sports, cultural and community facilities in new development.

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure



National Planning Policy Framework (July 2021)  
Chapter 2: Achieving sustainable development  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 9: promoting sustainable transport  
Chapter 12: achieving well designed places  
Chapter 15: conserving and enhancing the natural environment  
Chapter 16: conserving and enhancing the historic environment

## **CONSULTATIONS**

**Tatworth and Forton Parish Council:** Recommend refusal on the grounds that the access to the 35 houses will generate an increase in traffic, on a street which is a Safe Route to School and already has questionable safety, of 210 extra movements per day (using the SSDC formula) excluding trade traffic.

### **SSDC Planning Policy:** (Key points)

- Monitoring from the start of the Local plan period (2006) indicated the delivery of 76 dwellings. With extent planning permissions this rises to 119 dwellings. (Delivered and committed) these two applications would take this total to 167 dwellings.
- Tatworth and Forton Parish has a population of 2621 based upon the 2019 mid-year population estimates. The 2011 census indicated the parish has some 1,170 dwellings as at 2011. Taken with the delivered and committed sites this would indicate a growth of some 12% in the village size over the Plan period.
- The Local Plan includes policies for the management of housing supply, including the settlement hierarchy, the role of rural settlements and provides an indication of the level of growth expected of Rural Centres. (The tier immediately above Rural Settlements) It should be noted that in light of the Templecombe appeal decision in July 2021, application reference 19/03416/OUT, appeal reference APP/R3325/W/20/3265558 which concluded that the district council did not have a 5-year supply of housing therefore these policies are considered out of date.
- The settlement of Tatworth & South Chard is served by a number of community facilities including a primary school, convenience shop/post office, pub, village hall, children's play area, recreation ground and faith facilities. This means that it qualifies for limited growth under Local Plan Policy SS2 Rural Settlements. This means that as a basic position the settlement is considered to represent a sustainable location within which additional development can be accommodated.
- Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable, a development of 35 dwellings would be expected to deliver about 12 affordable homes. A range of market homes should be provided in accordance with Local Plan Policy HG5.
- The submitted Planning Statement sets out how the applicant considers that the proposal meets the requirement of Policy SS2. Evidence has been provided from Homefinder Somerset of a local demand for affordable housing.
- Within and adjacent to the proposal site there are locally significant archaeological sites (Probable post-medieval to 19th century catch meadow, and Sheep Wash, Loveridge's Lane) identified on the Somerset Historic Environment Record, and the curtilage of the Grade II Manor Farmhouse adjoins the north western boundary of the site (Policy EQ3). It is noted that the Planning Statement concludes there are no findings of interest as a result of the geophysical survey (para 6.34).

Emerging Local Plan Review: The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 18; with the most recent consultation on Preferred Options ending in September 2019. In the Preferred Options Plan Tatworth is identified in a new Village tier of the settlement hierarchy, and would qualify for limited development to meet local needs, support local services and economic activity, appropriate to the scale of the settlement (Policy SS1). The Local Plan Review Preferred Options document explains that Villages are settlements which are considered to be sustainable locations for small scale growth, and were identified as a result of having undertaken an assessment of a number of larger Rural Settlements. Overall the Plan anticipates 1,314 dwellings being delivered in 12 Villages over the plan period which equates to an average of 60 homes in each qualifying settlement over the Plan period.

A number of objections have been received with regards to Policy SS1. As the emerging Local Plan Review is still at an early stage in its preparation and objections have yet to be considered, it is judged that extremely limited weight can be attached to it (paragraph 48 of the NPPF).

**Planning Balance:**

As is demonstrated above the settlement of Tatworth & South Chard is a Rural Settlement that benefits from a range of community facilities. With regards to the overall scale of growth the number of homes built during the plan period so far equates to about 5 per year. If existing commitments are to be built out and a further 35 dwellings were to be approved, this would potentially equate to just over 7 dwellings per year over the plan period. Cumulatively, with the adjoining site for 13 dwellings (20/02247/OUT), it would result in 8 dwellings per year over the plan period.

**SCC Highways:**

Background - This application seeks outline consent for the erection of up to 13 dwellings all matters except the access are reserved. Fore Street is a classified un-numbered highway, which is subject to a 30mph speed limit. Approximately 100m to the west of the site the speed limit is reduced to 20mph. There is an existing field access in the south west corner of the site. The proposal would see the introduction of a priority 'T' junction, 5.5m wide with 6m radii, to serve the dwellings. This access would provide a staggered distance of approximately 54m to the existing junction of Fore Street & Langdon's Lane & of 30m to the Public Right of Way CH5/14 that serves a limited number of dwellings.

Parking - As the application is outline only and the submitted site layout drawing is an indicative layout only the dwelling mix has yet to be determined. With regards to vehicle parking provision the Highway Authority would require that the parking provision reflects that of the Somerset County Council - Parking Strategy (amended September 2013) (SPS). Below I have outlined the parking requirements for the area, which is located within a 'Zone C' region for residential development:

<b>ZONE C</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>Visitor</b>
Policy	2	2.5	3	3.5	0.2

Additionally, as part of the Somerset County Council Parking Strategy, new residential development is required to provide cycle storage facilities and electric charging points for each property. To comply with the SPS standards there is a requirement for appropriate, accessible and secure storage for 1 bicycle per bedroom, the cycle parking should be secure, appropriate

and accessible. Paragraph 4.5.5 of the submitted Transport Statement sets out that parking will be in accordance with the SPS, and paragraphs 4.5.4 and 4.6.1 sets out that electric charging points and sufficient cycle parking/storage will be provided.

Vehicle movements and splays - the average dwelling generates 6-8 vehicle movements per day, therefore the proposed development is likely to generate 78-104 additional vehicle movements per day. The development is likely to see approximately 8 two-way movements in the am/pm peak times. These figures are confirmed by the submitted Trip Rate Information Computer System (TRICS) data provided within the application submission. The Highway Authority does not consider that the proposed level of development is such that there would be a significant or severe impact on the highway network.

Drawing number S11144-NE-66-XX-DR-C-2003 PO1 submitted as part of the transport statement shows visibility splays of 2.4m x 43m, however, this visibility splay is obscured to the east of the access by a mature tree that is not shown as 'to be removed' and partially obscured to the west of the access by other mature trees. Subject to the removal of the tree to the east of the access and the maintenance and further investigation of the trees to the west this visibility would be in accordance with Manual for Streets (MfS) and acceptable.

Other - Informative notes are required relating to the need to enter into an Advanced Payments Code payment, as well as securing a licence from the Highways Authority relating to works in the highway. Further advice is provided (and should comprise informatives) relation to road gradients, straight sections of road, internal junction design shared surface linkages lighting of footways root barriers the surfacing of public spaces and forward visibility. Feasibility Safety Audit.

Albeit the application is in outline and only access is being established SCC Highways has undertaken a safety audit with recommendations. The key issues relate to:

1. Proposed uncontrolled pedestrian crossing at development access.
2. Risk of signs and post obstructing safe movement of pedestrians utilising the proposed footway and uncontrolled crossing point
3. Risk of collisions occurring between vehicles, pedestrians, and cyclists during the periods of darkness conditions due to insufficient highway lighting provision.
4. Risk of side-impact vehicle collisions occurring due to absence of sufficient hazard centreline road markings provided on the proposed development access road.
5. Risk of vehicles colliding with an existing wooden utility pole
6. Risk of collisions occurring between pedestrians and vehicles, due to landscaping areas restricting available inter-visibility splays at the interface of the proposed development footpath with Loveridge Lane

The highway assessment concludes however that these issues could be addressed at the reserved matters stand and did not comprise a reason for refusal instead recommending conditions be applied to any decision.

### **Somerset Waste Partnership:**

Around half of the properties do not appear to have direct access to an adopted highway from which we make collections. Having direct access to the public highway makes transporting and presenting the waste/recycling clear and efficient for both the householder and the crew, and gives accountability for the waste to the householder, which is less likely if a communal

collection point is used. Collection points can encourage anti-social behaviour with fly-tipping and containers being left out between collections which can cause tensions locally and spoil the streetscene.

At this stage I have no further concerns. I would assume a tracking diagram will be provided once the layout is confirmed. A waste collection strategy plan can be required as a part of the conditions applied to any approval.

**Police Designing Out Crime consultee:**

At this stage where only outline planning is sought, it is difficult from a crime reduction/prevention point of view to give detailed comments as the areas to be addressed would normally be decided upon at Reserved Matters stage. Should this application gain outline approval, the design and layout of any future reserved matters application should incorporate crime prevention measures and reflect the principles of designing out crime.

**Environmental Protection Team:**

Thank you for the consultation. There is a need to protect local amenity during the construction phase. This should be secured by planning condition.

**SSDC Affordable Housing:**

Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 12 units (rounded down from 12.25) based on a development of 35 dwellings. These would be split as 10 for social rent and 2 for shared ownership or other intermediate affordable solution.

I would propose the following mix detailed below:

- 4 x 1 bedroom flat/house/bungalow (2 person)
- 5 x 2 bedroom house/bungalow (4 person)
- 2 x 3 bedroom house (6 person)
- 1 x 4 bedroom house (8 person) to be provided for social rent

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 2 clusters with social rented properties in each cluster.

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

Space standards should follow the National Technical Standards.

**SCC Education:**

Only secondary school places are required in this location. The pupil yield calculation for 35 dwellings for secondary is  $35 \times 0.14 = 4.9$  - 5 secondary pupils

The current cost to build for secondary pupils is £24,861.00, Therefore  $5 \times £24,861 = £124,305.00$  which will be used to increase capacity at Holyrood Secondary School.

**NHS Somerset Clinical Commissioning Group:**

As a result of the proposed development above, Somerset CCG would like to request that

Section 106 contributions are provided to offset the proposed increase in patient numbers. Any monies contributed will be utilised to ensure that the Somerset health system can continue to provide a high quality and continuity of care in Chard.

We anticipate a patient increase of approximately 78 patients. Based on our calculations, we will be seeking a contribution of £10618.92. (Note, subsequently the NHS CCG submitted a revised bid to increase funding, given it follows on a matter of months after the initial bid officers have queried the justification for the revised sum, an update will be verbally reported at committee.)

**SSDC - Strategy & Commissioning:**

Details of the contributions sought in respect of open space, sport and recreational provision for inclusion in any S.106 based on the scale and anticipated impact of the development proposed:

Overall contribution Total = £104,320.00, (1% Locality Service Administration Fee = £1,043.00)

Overall Level of Planning Obligation to be Sought = £105,363.00. (Equates to £3,010.00 per Dwelling)

**Natural England:**

No objection, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection. Stowell Meadow of Special Scientific Interest - based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes -Based on the plans submitted, Natural England We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONBs.

Biodiversity Net Gain - We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development.

**Dorset AONB Team:**

I have reviewed the outline proposal, alongside the neighbouring application. The site is located approx. 1.5 km from the boundary of Dorset AONB, although intervisibility between the site and the designated area would only be possible over notably greater distances, due to landform. In my opinion, views of the site area from Dorset AONB would be distant and substantially filtered by intervening vegetation.

**Blackdown Hills AONB Team:**

Although the sites are just approximately 1km distance from the Blackdown Hills AONB boundary, seen in the context of the village, beyond the metaphorical barrier of the A358, and taking account of topography and vegetation, I would not consider these proposals individually or cumulatively to adversely affect the Blackdown Hills AONB or its setting.

Long and panoramic views out are one of the AONB's special qualities. Some properties in the village are visible in the foreground of long distance views towards the Dorset AONB and Windwhistle Hill area between Chard and Crewkerne, and so we would be keen to ensure that development here does not become an unduly prominent feature that would draw the eye. In due course roof colour should therefore be a consideration (avoiding bright red or orange tiles for example), alongside retention of existing mature trees as part of a broader landscaping scheme.

### **Somerset Ecology Services:**

A Preliminary Ecological Appraisal/Extended Phase 1 survey (JNCC 2010) for bats, reptiles, amphibians, birds, dormice, badgers, hedgehogs, water voles and otters; protected species surveys for bats, reptiles and dormice; and an Ecological Impact Assessment of the application site was carried out between April 2020 and February 2021 by Arbtech.

Designated sites include Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

Amphibians: There is only one pond within 250m of the development that could potentially provide suitable breeding habitat for GCN which lies approx. 50m northwest. A second pond is shown on OS maps adjacent to the north but this area could be viewed from the site and the adjacent road and no ponds were visible. There are no GCN records within 2km. There are no GCN EPSLs in the area and a local pond just over 500m south east was subject to survey and was negative for GCN (based on surveys for district level licencing). Given that GCN are scarce in the area and the nearby pond tested negative it is unlikely that this species is present on site.

Bats: 1 tree roost of #5 soprano pipistrelle present on site. Limited foraging by common pipistrelle on site. Also a locally important serotine bat roost in woodland to the north of the site.

Badgers: There was no evidence of badger use on site and no sett.

Birds: The hedges and trees on site provide suitable nesting habitat. The grassland and hedgerow habitats are ideal for barn owl foraging.

Reptiles: Adult and Juvenile slow worms were recorded on the site. A maximum count of three slow worms was recorded during a survey. [A further 30 refugia were also monitored in the southern allocation at the same time and adult and juvenile slow worms were found as well as a single grass snake - this is reported separately].

Dormice: Nests and adult dormouse were found along Fore Street and in the hedge with field trees along the stream.

Hedgehogs: The grassland and hedgerows provide suitable hedgehog habitat.

Water voles and otters: There are records of these species in the local area. The small ford and ditches on and around the site could support a water vole population but are unsuitable for otters. There was no evidence of water vole activity within the survey area.

Recommendations, to comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, conditions are required to

protect relevant habitat.

### **SCC Lead Local Flood Authority:**

In regards to the discharge rate from the site, the consultant has advised that rates cannot be restricted further as a single system would not be feasible, and that due to adoption reasons, the rates cannot be restricted further. It has also been shown by the consultant that the receiving culvert is of suitable capacity to take flow from the site. We have reviewed the discharge rate calculations and determined that the rate has been based on a soil type number of 1 (permeable soils) however soils mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)." Therefore, the solid index would likely be higher, and therefore, the discharge rate from the site would likely be higher than the greenfield QBAR shown within the FRA.

Furthermore, as the soil mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)", infiltration testing can be sought at detailed design.

Due to the above, we would accept the discharge rate of 2 l/s from 20/02247/OUT and 2 l/s from 20/02249/OUT. Please be aware that at detailed design any flooding within the 100 year +40% climate change event must be clearly shown to be retained onsite. We have suggested conditions for the permission.

### **South West Water:**

I refer to the 2 applications referenced above and would advise that South West Water has no objection subject to foul flows only being connected to the public sewer.

## **REPRESENTATIONS**

- The development is contrary to SSDC Adopted Local Plan Strategy and the emerging Local Plan.
- SSDC will have met their District-wide housing need when they produce their revised figures in October- there is definitely no need for either of these developments.
- There is no identified need for this housing, or this level of housing, in Tatworth. Housing in this part of the village will have increased by over 80% in less than 10 years. The combined two current applications represent a 43% increase in housing to the north of Waterlake Road
- Incremental new development has always been assimilated into this part of Tatworth but this amount of housing will overwhelm the character of the area and create a nondescript, characterless housing estate.
- In sustainability terms, the disbenefits considerably outweigh any benefits
- Approx 100 cars (at least 200 traffic movements) per day will access directly onto the 'Safe Route to School' which is already unlit and unpaved along much of its length.
- Surface water flooding has been dismissed as an issue by the applicants (despite full consideration and mitigation being a requirement of the National Planning Policy Framework) and will increase as grassland is developed. The Environment Agency maps show that some parts of the site are already subject to some flooding and the risk of runoff to the lower Wreath Green housing just below the site is very high. The FRA does not acknowledge or address this at all.
- The Bat assessment has not been carried out in accordance with the best practice cited. It

does not acknowledge the most significant nearby roost at The Orchards and does not take any account of the feeding grounds/flight paths from this roost which will be significantly impacted by removal of their habitat and introduction of lighting, noise and activity (as well as predatory pets). It should be corroborated by an independent ecologist employed by SSDC. Furthermore, the bat assessment appears to rely on remote detectors and bat identification by computer software (rather than human interaction) which is notoriously open to error. It is totally inadequate to meet the Habitats legislation.

- Similarly, the proximity to Stowell meadow means that an assessment of the flora and invertebrate species on the site should have been carried out, according to the EIA/HRA legislation. This has not been done.
- The assessment of impact on nearby heritage assets is totally inadequate. It does not consider the conservation area and dismisses the potential impact on the listed buildings (two of which immediately adjoin the site). It does not assess their significance (as required by the NPPF), the impact on their setting, or the historic relationship between their agricultural roots and the development site fields. The statement doesn't even recognise the nearest, Manor Farm Cottage, as a separate dwelling
- The development will urbanise a quiet, rural recreational route between footpaths and erode the rural character of this part of Tatworth. Lighting, noise, traffic and increased activity will impact on local amenity to an unacceptable degree.

## **CONSIDERATIONS**

The main issues to assess in considering this application are considered to be:

- The scale of development in relation to the size and function of Tatworth
- The Council's housing supply position
- Highways and site access
- Surface water flooding
- Landscape impact
- Impacts upon ecology
- Impacts upon heritage assets
- Affordable housing and community infrastructure

## **THE SCALE OF DEVELOPMENT IN RELATION TO THE SIZE AND FUNCTION OF TATWORTH**

Tatworth & Forton Parish comprises a Rural Settlement within the hierarchy of settlements within the South Somerset Local Plan. This tier of settlements does not have a specific housing target allocated to it and equally does not have specific sites allocated for residential development. The Local Plan has relied instead upon Policy SS2 to define the criteria for site identification on a case by case basis through the development management process.

Whilst the adopted Local Plan does not define housing targets for the rural settlements it does set out an approach to considering scale and settlement at paragraph 5.30:

"The Rural Settlements tier of the settlement hierarchy covers a range of settlements that vary widely in size, role, function, local priorities, and constraints. Therefore, the interpretation of Policy SS2 will depend on applying these factors in considering proposals at each individual settlement; for example a proposal that is acceptable in one of the larger Rural Settlements such as Templecombe, which has a relatively strong employment function and good sustainable transport links with the presence of a railway station, will be different to a smaller



Rural Settlement such as Compton Dundon which does not have these features."

With a population at 2011 of 2,259 and 996 dwellings Tatworth and its associated communities comprises the largest of the Rural Settlements that fall below the rural Centre classification in the settlement hierarchy. It is also relatively well provided for in terms of community infrastructure with access to a primary school, convenience retail, public house, hall / faith facility and play areas having 5 of 6 local services identified in the Councils topic paper "The Potential For Rural Settlements To Be Designated Villages. (11/2018)

This Topic Paper, forming part of the evidence base for the Local Plan Review itself carries no statutory weight, however it does provide evidence of the Council's reliance upon delivery of housing in rural areas as well as the capacity of larger villages within the Rural Settlement tier to accommodate a greater proportion of housing growth.

Over the Plan period Tatworth has had some 76 housing completions and has further commitments for 43 dwellings. The combined impact of the existing dwellings and approvals, taken with the development within applications 20/02247/OUT for 13v dwellings and 20/02249/OUT for 35 dwellings will take this level of provision to 167 dwellings resulting in a level of growth over the plan period of 12%.

This level of growth (including the application sites) is relatively consistent with the level of growth experienced by a number of the larger villages within the district, including Ilton, Henstridge Merriott, Misterton and West Coker which have all delivered between 10-15% growth over the same period.

Given the above, the level of growth that would be enabled by the approval of these 2 applications is not inconsistent with growth at similar scaled communities. It is accepted that by reason of their size the 2 applications will significantly increase the level of development within this part of Tatworth, however that position is true of any development of this scale within a village comprising a series of inter-connected roads and separate neighbourhood areas within the wider settlement.

## **THE COUNCIL'S HOUSING SUPPLY POSITION**

On 6 July 2021 South Somerset District Council (SSDC) received the appeal decision on planning application 19/03416/OUT for a proposed residential development at Manor Farm, Combe Hill, Templecombe: Ref: APP/R3325/W/20/3265558.

In presenting her findings on the five-year housing land supply, the Inspector concluded that using the standard method with a 5% buffer SSDC is able to demonstrate a five-year housing land supply of between 3.97 and 3.66 years (paragraph 44). This conclusion primarily stemmed from her concerns over the impact of the uncertainty around phosphate mitigation solutions across the district on housing delivery. The Inspector did however accept that SSDC's calculations were consistent with the NPPF/PPG methodology.

As a consequence of this decision SSDC currently accepts that it cannot currently evidence a five-year housing land supply.

Whilst the authority is making progress to resolve the current phosphate related delays in

releasing developments across the Ramsar catchment impacted parts of the district the uncertainty over the timing for putting in place an adopted Strategy and accredited mitigation schemes means that the tilted balance is applied to decision making for the current time. This is set out at paragraph 11 of the NPPF (July 2021) and states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 refers to policies in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Footnote 8 refers to situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In summary therefore those policies which seek to protect recognised heritage, landscape and environmental designations retain full weight, however policies which seek to restrict the supply of housing are considered to be out of date.

The landscape environmental and heritage issues are covered in more detail below.

## **HIGHWAYS AND SITE ACCESS**

A key objection to the two applications is that they maintain separate points of access onto the highway which is identified as a safe route to school. (This in addition to a linked objection to the creation of either new access onto the road.)

Firstly, in relation to the submission of the application as two separate but linked proposals, the starting point would be to determine whether the proposals is seeking to avoid obligations that would arise from it if the application were submitted as a single proposals for a single, larger development.

In this instance both applications exceed the 10 dwelling threshold which is the base line for seeking contributions towards affordable housing, education infrastructure and on or off site

open space contributions. As such, the contributions being sought from the two applications is equivalent to that which would be sought from a single proposal therefore there is no particular benefit to the applicant from promoting the parallel applications as opposed to a single scheme. The two applications are linked by a footway connection rather than an internal road connection. The applicant has confirmed that they consider the hedgerow that runs between the two sites and which is bounded by a watercourse represents a biodiversity asset the value of which would be diminished by the opening up of a road of some 5m width together with 2m footway, whereas the provision of a pedestrian link reduces the width and engineered nature of any breach in the movement corridor that the hedge and ditch provide. On the basis that their own highways advice prior to making the applications was that two points of access subject to appropriate sightlines would be acceptable, this approach to presenting the two applications has sought to retain the environmental asset comprising the hedge and ditch in a more intact manner that would be the case for a through link or single cul de sac.

As a part of the highway comments upon the scheme Somerset Highways have commissioned a safety audit in addition to commenting upon the merits of the scheme and have concluded that there is no highways objection to proposals that result in two accesses serving two cul de sacs. The safety audit has made a number of comments about the illustrative site layout but the report has also concluded that of these issues all but one can be resolved through consideration of the detailed proposals brought forward at the reserved matters stage.

The one issue which the highways comment has raised is the indicative access from application 20/02249/OUT onto Loveridge Lane. The scheme suggests a pedestrian linkage over the ditch and into Loveridge Lane. The Highways Authority is concerned about boundary hedgerows blocking pedestrian and vehicle inter-visibility.

The applicant has separately confirmed the extent of land within the site that will be managed by a resident management company and the principles for establishing the land that goes to the management company will be established within the Section 106 Agreement to include all boundaries with mature or valuable planting. As such the management of the roadside hedge to ensure adequate visibility can be secured.

In summary, therefore there is no highway objection to either of the applications by reason of their dwelling numbers and therefore trip generation or by reason of the number and location of access points.

## **SURFACE WATER FLOODING**

Comments have been made that the application submission ignores surface water flooding.

By reason of the various local water courses comprising ordinary water courses and not main rivers the land associated with the water course edge does not as a point of fact comprise Flood Zones 2 or 3 which of itself would introduce the need to apply a sequential test.

The site is impacted by surface water flooding with a combination of the ordinary watercourse to the north of the site and the topography of the site, sloping down from Tatworth Street resulting in medium velocity surface flows running through the fields to the north of, but outside the site and low velocity and depth flows across parts of the site itself.

Somerset County Council as the Lead Local Flood Authority has reviewed the initial

submissions and sought additional information from the applicant in light of its own advice regarding the soil's infiltration characteristics before agreeing to the proposals subject to conditions that ensure detailed designs within the 100 year & 40% climate change event will retain surface water on site before release to water courses.

## **LANDSCAPE IMPACT**

The field comprises a green and open contrast to the housing that typifies its western edge along Manor Farm Close as well as the housing along Waterlake road / Fore Street and extending north of the site along Loveridge Lane. It is not crossed by any public footpaths so is not publically accessible. Equally, the views into and across the field are limited by the extent of built form that backs onto the site, as well as the mature boundary planting to both the north western and south eastern boundaries such that a number of potentially longer views are largely screened.

The relative visibility of the western, upper part of the site is recognised in the applicant's masterplan, which defines areas where single storey chalet and two storey dwellings would be appropriate. The north western and south eastern mature boundary planting ensure that the impact of the dwellings is perceived against a skyline characterised by tree canopies rather than dwellings.

The development will significantly change the character of the application site, however that is the consequence of development, the site itself is largely contained by established built form and by reason of its location within the village the impact upon the wider landscape and countryside is mitigated.

The application proposals do not adversely impact upon protected landscapes including the Dorset and Blackdown Hills AONB.

The protection of the boundary features and areas of open space will be secured by placing them within a common management company ownership.

## **IMPACTS UPON ECOLOGY**

The application is accompanied by a Preliminary Ecological Appraisal / Extended Phase 1 Survey together with an Ecological Impact Assessment carried out between April 2020 and February 2021.

These studies identified both the Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

Somerset Ecology Services in response to consultation identified a number of habitats in the area, of relevance, including:

- A stream is present on site and around site boundaries. The mature species rich hedgerow present around the site is also a priority habitat.
- The site is predominantly improved grassland used to graze livestock. The sward is dominated by lush grasses with very few herbs. Dominant grasses were meadow foxtail, timothy, Yorkshire fog and perennial ryegrass. The presence of broad-leaved dock, dandelions and buttercups indicate an improved sward. The photograph opposite shows

the site facing north east.

- The site is lined with a dense hedgerow which covers a significant portion of the boundary. The hedgerow to the east is well managed, thick and stock proof with a few scattered trees including ash and horse chestnut. The hedgerow species present include hawthorn, elm, hazel, dogwood, privet and elder. The ground flora along the hedgerow includes red campion, bluebells, lords and ladies, dandelion, cow parsley, hogweed, herb Robert, stitchwort, garlic mustard, dog's mercury, common vetch and common nettle. The photograph opposite shows the eastern boundary hedge where a ditch runs alongside.
- The small stream runs across the diving hedge on site and also partially along the eastern boundary. The stream is fast flowing and shallow with excellent water clarity. The stream and banks are overgrown with brooklime, common nettle and grasses, also with red campion, broad leaved doc, cleavers and comfrey.

Having reviewed the appraisal and constraints Somerset Ecology Services has concluded that there is no objection to the development subject to conditions being applied to any permission to secure a combination of protection for habitats as well as mitigation to ensure a biodiversity net gain.

## **IMPACTS UPON HERITAGE ASSETS**

The application site is located outside of the Tatworth Conservation Area which is relatively tightly defined around Tatworth Street Axminster Road School Lane and Waterlake Road The Conservation Area includes the Grade II listed Gulwell house and Cottage the gardens to which are present in views west along Fore Street to include the application site as a foreground view on the opposite side of the road. Given the degree of set back of buildings within the application site, other than the new access the streetscene view towards the conservation area will experience little in the way of change.

The Grade II listed Manor Farmhouse is now defined by the close of detached dwellings that envelops it such that its historic yard and function is now largely lost. The application site by locating single storey dwellings to its upper slopes does no more that replicate the established context for the listed property albeit the new dwellings will be further away. The combination of topography, boundary screening and the presence of modern dwellings between the listed property and the application site means the impact is more one of change in terms of less than substantial harm at the lower end.

## **AFFORDABLE HOUSING AND COMMUNITY INFRASTRUCTURE**

The application is required to deliver on site affordable housing. This will equate to 12 units with the Council's housing officer seeking 10 social rent and 2 shared ownership units to include:

- 4 x 1 bedroom flat/house/bungalow (2 person)
- 5 x 2 bedroom house/bungalow (4 person)
- 2 x 3 bedroom house (6 person)
- 1 x 4 bedroom house (8 person) to be provided for social rent

The Education Authority has identified a need to make provision for additional capacity at Holyrood School to accommodate the 5 pupils it anticipates arising from this development. Based upon its build cost calculator, this would equate to £124,305.

The NHS Clinical Commissioning Group has identified a need to improve service provision based upon Chard and has identified a need for a contribution of £10,618.92 based upon some 78 patients. (Subject to clarification)

SSDC Open spaces sport and recreational policies indicate a need to secure £104,320 & an administration fee of £1,043 which equates to £3,010 per dwelling.

These sums would need to include a pro- rata provision in the event that the reserved matters submission does not extend to the full "up to" 35 dwellings.

## **CONCLUSION**

The application site is located within one of the district's larger rural settlements. The level of development taken with existing dwellings and commitments over the Local Plan period is in line with the level of development at other rural settlements within the Local Plan hierarchy. There will be a localised change to the character of the village, however the site, by reason of its landscaped boundaries and topography is well contained and located within a context that is generally defined by established residential development. Any adverse impacts upon the conservation area and Manor Farm are at the lower end of the scale and offset by the public benefits of delivering affordable housing as well as other contributions that only derive from development of above 10 dwellings.

The applicant application has provided additional supplementary information and illustrative master plan proposals for the development of the site based on a deeper understanding of the character of the area and potential impacts. A pedestrian link and cycleway will be provided through the site between Fore Street and Loveridge Lane. Having given due regard to the application submitted and the potential to incorporate environmental, visual and highway safeguards in conditions attached to any outline permission the proposals are generally considered acceptable, subject to a S.106 securing the relevant planning obligations highlighted in the above report

## **RECOMMENDATION**

To grant outline planning permission subject to the applicant entering into a S.106 Agreement with the Local Planning Authority within 4 months of the date of resolution to secure:

- 35% affordable housing
- Financial contribution towards education needs
- Financial contribution towards open space and recreation
- Financial contribution towards Health infrastructure
- A resident management company to manage open spaces and landscaped areas
- footpath connection

And subject to the following conditions:

01. The proposal by reason of the ability to consider and control scale, layout, design and landscaping within any reserved matters would not result in harm to the landscape, local character, the historic environment, residential amenity, flood risk, ecology or highway safety. As such the proposal is considered to comply with Policies SD1, SS1, SS4, TA4, TA5, TA6, EQ1, EQ2, EQ4 of the adopted South Somerset Local Plan (2006-2025), the provisions of the

NPPF (as amended) and the National Design Guide.

**SUBJECT TO THE FOLLOWING:**

01. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

FIVE YEARS from the date of this permission; or

The expiration of TWO YEARS from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE YEARS from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

02. Details of the appearance, landscaping, layout 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: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

03. The development hereby permitted shall be carried out in accordance with the following approved plans:

CAL030620 MP-01 Site location plan  
Drawing No S1114-NE-66-XX-DR-C-2003 P01

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

04. No more than 35 dwellings shall be constructed within the application site. The reserved matters application will be accompanied by a housing mix assessment that sets out how the reserved matters application has responded to the Council's most up to date Housing Needs Assessments.

Reason: To define the permission and ensure that the resultant scheme in meeting housing needs within the district.

05. Notwithstanding the illustrative nature of the Indicative Site Layout Scale and Massing Plan (Reference CAL030620 MP12) the storey heights of dwellings submitted as part of any reserved matters application shall accord with the storey heights for the general locations shown on this plan.

Reason: To respect the site's topography and landscape impact of any development in accordance with Policy EQ2 of the South Somerset Local Plan.

06. No work to excavate foundations or roads shall take place within the area indicated on plan number CAL030620 MP-01 until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been secured by the applicant, or their agents or successors in title and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of identifying and preserving the archaeological significance of the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ3 of the adopted South Somerset Local Plan 2006 - 2028.

07. No development shall take place until details of protective fencing to be erected around existing trees and hedges within the site have been submitted to and agreed in writing by the Local Planning Authority. The approved fencing shall be implemented before work commences on site and shall be retained for the duration of the works. No works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: In the interests of protecting the root protection zones of existing trees and hedgerows bounding the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

08. No construction works shall take place before 0800 on weekdays and 0900 on Saturdays, nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or recognised public holidays.

Reason: To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ7 of the adopted South Somerset Local Plan 2006 - 2028.

09. No development shall commence, including any works of demolition, until a Construction Method Statement (Amenity) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - Arrangements for liaison with the Council's Environmental Protection Team
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.



- Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours shall be in place.
- South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
- Control measures shall be in place for control of dust and other air-borne pollutants.
- Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

10. CEMP: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, bat roost buffer protection zones, reptile mitigation strategy, amphibian mitigation measures, dormice mitigation strategy, water voles mitigation strategy, pollution prevention measures to the stream on site and around the site boundaries etc.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent;
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

11. No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. 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;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

12. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site

Reason: In the interests of highway safety and to protect the existing road infrastructure through the course of the development, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 – 2028

13. No works for the excavation of foundations or road alignments and routes shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than 2 l/s. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Details to ensure that any flow from offsite will be adequately managed to prevent and manage flood risk to the proposed development site, or elsewhere.
- Any works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.
- Flood water exceedance routes both on and off site, noting, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled onsite and within the designed exceedance routes demonstrated to prevent flooding or damage to properties. Flood events in excess of the 100 year+40% climate change event must be managed within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. This should include any watercourses under riparian ownership of the site.

Reason: To ensure a satisfactory method of drainage in accordance with guidance set out in the National Planning Policy Framework and Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

14. No development shall commence until plans showing finished floor levels and threshold levels for new openings to the building have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority before occupation of the

development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006 - 2028.

16. No development above damp proof course shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development hereby approved is first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

17. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No S1114-NE-66-XX-DR-C-2003) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times. Prior to the development hereby permitted being first brought into use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

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

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

19. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number S11144-NE-66-XX-DR-C-2003, and shall be available for use before commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

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

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

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

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

22. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

23. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

24. No part of the development shall be occupied until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including the provision for the appointment of a Travel Plan Co-ordinator, targets, a timetable and enforcement mechanism) and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To encourage the use of alternative forms of transport to the site, in accordance with the provisions of Policies TA1 and TA4 of the adopted South Somerset Local Plan 2006 - 2028.

25. Biodiversity Net Gain: A 10% Biodiversity Net Gain (BNG) in habitat value using Natural England's Biodiversity Metric 2.0 will be required to be demonstrated in site's layout, masterplan and/or landscaping plan at the reserved matters stage. Some of the BNG habitat value should be focused on dormice, bats and reptiles. Alternatively, a financial and administrative agreement to achieve BNG offsite, if this cannot be accommodated on site, will be made between the applicant and the Local Planning Authority.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework the provisions of the Environment Act and the Somerset Biodiversity Supplementary Planning Document.

26. LEMP: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to any works to strip the site. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

27. Dormouse Habitat: As dormouse habitat including along Fore Street and in the hedge with field trees along the stream will be affected and dormice could potentially be harmed the following is required to be conditioned in order that South Somerset District Council fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

The development shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

28. Reptile Mitigation: No works, including vegetative clearance and ground works, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:
- a) proposed construction working practices to avoid harming reptiles
  - b) details of proposed location of refugia, to accommodate any reptiles discovered during works
  - c) timing of works to minimise the impact on reptiles
  - d) if required, details of the location and status of translocation site

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the identified presence of and need to protect European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

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