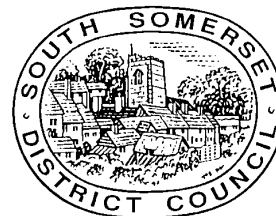


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 20th March 2019

5.30 pm

**The Guildhall, Fore Street,
Chard, TA20 1PP**

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Jason Baker
Marcus Barrett
Mike Best
Amanda Broom
Dave Bulmer

Val Keitch
Jenny Kenton
Paul Maxwell
Sue Osborne
Ric Pallister

Garry Shortland
Angie Singleton
Andrew Turpin
Linda Vijeh
Martin Wale

Consideration of planning applications will commence no earlier than 6.15pm.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462055 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 12 March 2019.

Alex Parmley, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December).

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

Public question time

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

Planning applications

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 they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

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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Area West Committee

Wednesday 20 March 2019

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 20th February 2019**
- 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 Mike Best, Angie Singleton and Martin Wale.

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. Date and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 17th April 2019 at 5.30pm at The Guildhall, Chard.

- 5. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

6. Chairman's Announcements

Items for Discussion

- 7. Citizens Advice South Somerset (CASS)** (Page 6)
- 8. Reports from Members on Outside Bodies** (Pages 7 - 11)
- 9. Area West Committee Forward Plan** (Pages 12 - 13)
- 10. Planning Appeals** (Pages 14 - 24)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 25 - 26)
- 12. Planning Application 18/01917/FUL** - Land Off Shiremoor Hill, Merriott** (Pages 27 - 43)
- 13. Planning Application 18/03373/COU - Chaffcombe Waste Transfer Station, Chaffcombe Road, Chard** (Pages 44 - 52)
- 14. Planning Application 18/02588/FUL - Land At Jarman Way, Chard, Somerset** (Pages 53 - 67)

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.

Agenda Item 7

Citizens Advice South Somerset (CASS)

Lead Officer: Angela Kerr; Chief Executive Officer, CASS
Contact Details: angela.kerr@southsomcab.org.uk (01935 847661)

Angela Kerr, Chief Executive of Citizens Advice South Somerset, will be attending Area West Committee to deliver her annual presentation to members on the work of CASS during 2018 and their future plans.

Agenda Item 8

Reports from Members on Outside Bodies

Purpose of the Report

To introduce reports from members appointed to outside bodies in Area West.

Public Interest

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

Background

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on ten outside bodies at the June 2018 meeting.

Reports

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member reports are:

A Better Crewkerne & District (ABCD) – Cllr. Mike Best
Crewkerne & District Museum – Cllr. Marcus Barrett

Recommendation

That the reports are noted.

Financial Implications

None.

Council Plan Implications

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

Background Papers: None

A Better Crewkerne and District (ABCD) Update

Members of the ABCD Executive Committee have met 4 times since the last AGM. The Trustees meet twice a year. Various working parties continue to meet regularly and report back to ABCD. Our support from SSDC continued with Alison Baker (SPARKS), but she is now no longer in post. We also attend meetings of the Market Towns Investment Group. (MTiG).

Following on from the Community Action Plan that was produced from the business survey, ABCD developed an Action Rail which is regularly updated. Unfortunately the demise of the Crewkerne Chamber means that ABCD has lost one of the possible active partners for projects.

ABCD with Alison Baker set up Business Breakfast Meetings with targeted businesses, supported by Anthony Bucke at Antiques Bazaar. The second meeting was so poorly attended – just one retailer - that the Trustees decided not to run a third.

More successful was the Network Event at the Henhayes Centre. Many local groups attended attracted by the information about opportunities for financial support. At least two groups gained funding following this event.

Digital Audit of South Somerset Towns.

MTig set up a Grant Scheme for independent town centre businesses & not for profit organisations: A scheme for Capital Improvements and a series of training sessions. ABCD delivered information/application forms to the town centre retailers and the Lic promoted them out on social media. Digital Training Sessions were provided across the South Somerset Towns, including Crewkerne. 2 of our officers attended some, which proved extremely useful. However, they were not well attended by Crewkerne businesses.

A few grant applications had gone in from Crewkerne Businesses.

The Town Council made an application for a Capital Grant for Digital Display for the Town Hall. This is now in place, although there are some problems with glare/reflection on very sunny days.

ABCD do have a free website (not easily found on Google), facebook and twitter account. ABCD have no funds available to upgrade the website.

We have 3 very active working parties:

Friends of Crewkerne Station, who continue to improve the environment of the station itself; hold regular open days including the 70th anniversary of the naming of a steam engine -Crewkerne. They are pressing the rail company to name a current engine.

Creative Crewkerne:

- (a) The pom-poms were even better in 2008 and having applied for a grant the group ran a very successful Pom pom events day in Falkland Square.

They ran a poetry event in connection with National Poetry Day and Libraries week. Poems were displayed in shop windows and various venue throughout the town.

- (b) **Boundary stones** project - in planning stage. Costings being worked out in order to apply for funding. The group had a stand at Henhayes Fete. We are still looking for someone to lead this group.

(c) Theatre: This year's theatrical events included a Play, performances by Tangle which took place in Bowhayes & local pubs, and a comedy event.

Playground Working Party

The children's playground is now well used, so this group is looking again at the provision of an accessible pathway around Henhayes.

GDPR: ABCD is fully compliant with the GDPR requirements. It does make life difficult, as we cannot hold contact details, unless individuals have agreed, this may explain the lack of response to an email shot inviting local groups to our September meeting.

ABCD, actively helped promote the Library consultations and we are happy to state that our Library has been saved. We commend the Friends of Crewkerne Library for their campaign and the Library itself for the many activities provided for both adults and children throughout the year.

Cllr. Mike Best

Crewkerne Musuem Report

(Drawn from Management Team & Collections Reports, 2018-19)

2018 brought lower visitor figures, possibly through a lack of school bookings, and the ongoing challenge of a vacancy for Treasurer. "Art in the Museum" once again, however, produced a reasonable income and boost for visitor numbers. A celebration of the work of volunteers was held with around 35 volunteers enjoying an evening at Oscars, in early December 2018, which gave the chance to get to mix and meet others. Stewards will be treated to an annual afternoon tea in March before the new season.

It is necessary to continue expanding outreach activities, considering new ways to encourage visiting groups and engaging new volunteers. Plans for the 2019 season are underway: the first special exhibition will focus on the Grammar School in coordination with the last Founder's Day to be held by Old Crewkernians, in July 2019. The summer exhibition will look at toys and games through history to attract families.

The Collection team are providing the last exhibition of the A-Z stored collection; children's activities will take place at Easter and Halloween. It is intended to provide town guided walks again in 2019 and the Museum may ask an author of an industrial book to carry out tours of the town's old factory sites. Guided factory walk leaflets went on sale in September 2018 and have attracted interest and sales.

Meetings of four local Museums (Bridport, Beaminster, Dawes Twineworks and Crewkerne) continue and a "Heritage Tent" is planned at the Melplash show, August 2019. Working with other museums with similar backgrounds and collections is proving engaging and productive.

Efforts to appoint a new treasurer have been problematic and discussions continue. Meanwhile, the management group are thankful that two current volunteers have taken on some tasks. It was agreed at a recent management meeting to approach new residents via estate agents with a leaflet about the Heritage Centre and volunteering. A window display is also being used to encourage new volunteers. There is a keen awareness that several of the management group are reaching the age when additional responsibilities are not always welcome and there is a continuing need to secure the future of the Museum and Heritage Centre.

Janet Harris, Chair of the management group wished it specifically to be noted that the Heritage Centre only continues to thrive through the generosity of volunteers who give their time: while some grant funding is received from Crewkerne Town Council, the basic costs of energy, insurance, maintenance and safety checks rise annually. The Museum works hard to recruit and to encourage all ages to become involved, including students during the holidays. The management group are aware of other special grants from time-to-time and actively consider projects that could be linked to these.

Collections (Simon Colledge) noted that during the most recent winter museum closure, volunteers were busy and catalogued several notable artefacts: a collection of family records from the Cartwright family included documents from Mr Cartwright's time as a manager of the Van Heusen factory, making collars and shirts. His son attended Crewkerne Grammar School which leads to an educational theme - a Crewkernian booklet was a timely addition for the forthcoming Crewkerne Grammar School exhibition; another addition is a school note detailing the end of Grammar School status in 1971, and a school scarf. A maroon badge for St Martin's School was sourced in the Crewkerne Antiques Centre and acquired for the museum.

A poster detailing the 2000 Millennium party held on New Year's Eve was received. Other items included family records with details of service 1914-1918 with the R.F.C. A sign for the 1st Crewkerne Scout group is a welcome addition - and a Hoover Dustette.

A framed water colour picture showing the approach to Victoria Square was a kind donation from Philip Harris. Preparation of artefacts for the forthcoming Grammar School exhibition continues and cataloguing and storage of Handling items is making good progress.

Cllr. Marcus Barrett

Agenda Item 9

Area West Committee Forward Plan

Service Manager: Tim Cook, Locality Team Manager
Agenda Co-ordinator: Jo Morris, Case Services Officer (Support Services)
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

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.

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
17th April 2019	AONB Management Plan	Approval of the plan and to endorse SSDC's contribution to the core funding	Adrian Moore, Locality Officer
	Chard Regeneration Scheme Town Centre Regeneration Update	Update report	Jeb Farrah, Chard Regeneration Scheme Project Manager
	Area West Delivery Plan	Progress report	Tim Cook, Locality Team Manager
<i>There is no meeting in May due to local elections</i>			
19th June 2019	Appointment of Working Groups & Outside Bodies	Annual Report	Jo Morris, Case Services Officer Support Services
	Scheme of Delegation	Annual Report	Jo Morris, Case Services Officer Support Services

Agenda Item 10

Planning Appeals

Director: Martin Woods, Service Delivery
Lead Specialist: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Recommendation

That the report be noted.

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.

Report Detail

Appeals Dismissed

18/00163/FUL - Demolition of 8 residential units and office. Erection of 10 No. single storey dwellings with associated parking, garages and landscaping
24 - 37 Riverside Horton Ilminster Somerset TA19 9RS
(Non-determination)

18/00104/FUL - The erection of single storey self-contained annexe
Raisey Cottage, Raisey Lane Combe St Nicholas Chard TA20 3HN
(Officer delegated decision)

Background Papers

Appeal decision notices attached.

Appeal Decision

Site visit made on 7 November 2018

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2019

Appeal Ref: APP/R3325/W/18/3207109

24-37 Riverside, Horton, Ilminster TA19 9RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sean Reynolds of Riverside Horton Properties Ltd against South Somerset District Council.
 - The application Ref 18/00163/FUL, is dated 26 January 2018.
 - The development proposed is the development of ten single storey dwellings with associated parking, garages and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018, replacing the previous version. The appellant was notified of the publication and invited to make comments. I have had full regard to the revised Framework in determining this appeal.
3. The appellant submitted revised plans to the Local Planning Authority (LPA) prior to the appeal showing junction visibility splays and revised visitor parking arrangements on Riverside. The LPA and Highway Authority (HA) have had opportunity to comment in detail on the revisions. Accordingly, I do not consider any party is likely to be prejudiced by my consideration of them and I have therefore determined the appeal on the basis of the revised plans.

Main Issues

4. The appeal was made following the failure of the Local Planning Authority to determine the application within the requisite period. In its statement, the LPA set out a putative reason for refusal which, in summary, was that the proposal would result in a cramped form of development and lead to the loss of protected trees, thus causing harm to the character and appearance of the area. However, it is clear from its statement that the LPA also regards the proposal as being harmful to the living conditions of existing and future occupiers and to highway safety. The main issues in this case are, therefore, the effects of the development on (i) the character and appearance of the area including protected trees (ii) the living conditions of future occupiers and those of neighbouring occupiers with respect to the adequacy of outdoor space, privacy and outlook and (iii) highway safety.

Reasons

Character and Appearance

5. The appeal site is roughly rectangular in shape and has been cleared through the demolition of former buildings. It lies in the central part of a small cul-de-sac estate development to the west of Goose Lane. It is enclosed on its northern and western sides by the highway known as Riverside on the opposite side of which lie single storey terraces of housing. Two pairs of single storey semi-detached dwellings also immediately adjoin the site on its north eastern boundary which are accessed off a spur off Riverside. Two detached two-storey dwellings, known as Halfway House and Kings Holm, are also located to the south of the site and are accessed directly off Goose Lane to the east.
6. The existing estate dwellings are set back from the road behind a largely continuous swathe of front gardens laid to grass. There are also a number of areas of open space elsewhere within the site, giving the area a green and spacious character.
7. The dwellings would be single storey and relatively small with maximum floor spaces varying between 80 sq.m. for terraced properties and up to 127 sq.m. for the detached. This would be broadly comparable with the scale of existing single storey dwellings on the Riverside estate.
8. When viewed from Goose Lane and Riverside, proposed plots 9 and 10 and plots 1 – 5 would present some coherent green space towards the public realm, broadly mirroring the existing pattern of development albeit with the incorporation of adjoining car parking which is largely absent from the existing properties. However, on approaching the central part of the site (plots 6, 7 and 8), the design and layout of the scheme would be such that the street scene would be dominated by hard surfacing, car parking and buildings, offering little relief in terms of soft landscaping. Whilst it is appropriate to seek to make the best use of previously developed land in line with the revised Framework, the scheme's design and lack of provision of green space at this location would, in my judgement, give the impression of the scheme being cramped. As such, it would not accord with, and would be harmful to, the prevailing character and appearance of the wider area.
9. Turning to trees, whilst a number are referred to in the appellant's evidence, I saw on my site visit that all but 2 had been removed. These remaining trees are substantial London Planes and received formal protection under a Tree Preservation Order (TPO) in 2016. They respectively lie on the eastern and western fringes of the site and I saw that they make a significant and positive contribution to the character and appearance of the area, as recognised in their inclusion in the TPO.
10. The appellant's arboricultural report confirms these trees are in good physical condition and vitality with life expectancies in excess of 40 years. Nevertheless, in order to accommodate the development, the trees would be removed.
11. However, there is no objective evidence before me to show that London Plane is a species which poses any risk to human health or fails to support biodiversity to the extent that the removal of the protected trees would be justified. Furthermore, whilst the parties agree that in the long-term the

maintenance of the trees could be onerous, that is to be reasonably expected with certain types of tree with longevity. I do not find that to be a convincing argument for replacing healthy, formally protected specimens which make a positive contribution to their area. In this regard, I am not persuaded that London Planes are, in principle, an unsuitable species for this location or are particularly prone to disease. I have also seen no evidence to show why the responsibility for their maintenance should necessarily fall, individually, to the future residents rather than through an alternative means of management. I am not therefore persuaded that any harm to occupiers' living conditions would be so great as to justify the removal of the trees.

12. Moreover, whilst the appellant asserts that the scheme would not be viable if the trees were to be retained with necessary root protection measures, I have been provided with no costed evidence to demonstrate that is the case. Similarly, I have seen no clear evidence to demonstrate that the ongoing need for suitable accommodation for older people will not be met unless this specific scheme is delivered in full at this particular site.
13. As regards the proposed replacement planting scheme, I note the LPA's Tree Officer is critical in terms of its suitability for the location. However, that is a matter that could be controlled through the imposition of a suitable condition requiring details to be submitted to, and approved by the LPA. Nevertheless, whilst it might be possible to propose a landscaping scheme which would enhance the character and appearance of the area in the long-term, this would take some time to develop. In the meantime, the loss of the protected trees would have an immediate harmful effect on the character and appearance of the area for a considerable period of time.
14. Overall, drawing this main issue together, I find that the design of the proposed development would lead to unacceptable harm to the character and appearance of the area by virtue of the proposed design and layout of the central part of the site. Furthermore, the felling of the 2 protected trees would give rise to significant harm to the character and appearance of the area. Accordingly, the proposed development would conflict with the adopted South Somerset Local Plan (March 2015) (the Local Plan) Policy EQ2 and Policy EQ5 which require the achievement of high quality developments which promote local distinctiveness and preserve or enhance the character and appearance of the district. The LPA has also cited Local Plan Policy EQ4 which sets out priorities for protecting biodiversity. However, replacement planting would take place and my attention has not been drawn to any evidence to show that the development would lead to ecological harm.

Living Conditions

Adequacy of garden space

15. Whilst the LPA raises concerns that the garden areas to the proposed plots are inadequate, I am not aware of any local standards having been adopted which would assist in this matter. The rear gardens to all the plots are undoubtedly small, but with one exception I describe below, space is nonetheless proposed to accommodate a modest paved and grassed amenity area for each property. Whilst occupation of the development would not be restricted to older people or those who would prefer smaller outdoor spaces, I am nonetheless satisfied that, in the main, the proposed provision would not be so unacceptable as to require permission to be withheld. An exception however, is that the revised

proposal for visitor parking adjoining Plot 4 would mean the splitting of that property's useable garden area to the west of the dwelling. Consequently, the occupiers of that dwelling would effectively rely on the small rear paved area for enjoyment of private amenity space. In my judgement, this would be inadequate to serve the dwelling and, in this regard, the proposed development would be unacceptable.

Outlook and Privacy

16. Given the relatively high density of the development proposed, together with the nature of the plot constrained between existing roads and buildings, the configuration of the plots is such that, in some case, the proposed building lines would be located very close to the property boundaries.
17. Specifically, the submitted plans show that plots 6, 7, 8, 9 and 10 would each have a bedroom which would have a sole aspect onto property boundaries which are very close to the window. Given these boundaries would be likely to require, for reasons of privacy, boundary fencing or landscaping, this would lead in my view to an unacceptably gloomy and oppressive outlook for occupants of those rooms.
18. The proposed Plot 9 would be located very close to the boundary with two of the existing semi-detached properties immediately beyond the north east corner of the site. There is a marked change in levels at this location with the appeal site being set above them. I saw that there are habitable windows in the southern elevations of both those properties and they are also separated by 'back-to-back' rear garden areas. Given there would be bedroom and lounge/diner windows in the northern elevation of Plot 9, some form of boundary treatment would be necessary in order to safeguard the privacy of both future occupants of Plot 9 and those of the existing properties. Based on what I saw and the submitted plans, I cannot be certain that this could be achieved without unduly affecting the outlook for occupiers of the existing properties or those of plot 9.
19. Concern has also been raised that overlooking from a first floor window at Halfway House to the southern boundary of the appeal site would result on the garden of proposed plots 8 and 10. However, any such views would be partially screened by the roof structure of the dwelling at Plot 10 and ensure no unacceptable overlooking would occur. Furthermore, the oblique angle between Halfway House and the proposed garden to Plot 8 are such that no unacceptable loss of privacy would occur for those future occupants. I am therefore satisfied that no significant loss of privacy to future occupiers of either Plot 8 or 10 would result.
20. In conclusion on this main issue, I find that whilst the proposed gardens would not in the main be unacceptably small, an exception would be at Plot 4 as a result of the revised layout. Moreover, the proximity of bedrooms in several plots to their property boundaries would lead to a limited and unacceptable level of outlook for occupiers of those properties. There would not be significant overlooking of private rear space from first floor windows from existing neighbouring properties. However, the juxtaposition of proposed Plot 9 with existing adjoining dwellings would be likely to give rise to an unacceptable loss of outlook – or alternatively privacy – for those properties. The proposed development would therefore conflict with Local Plan Policy EQ2 which requires development proposals to provide adequate amenity space and to protect the

residential amenity of neighbouring properties. Whilst the policy does not specifically refer to effects on future occupiers, the proposed development would conflict with Policy EQ2 in that respect to the extent that it requires the creation of quality places through new development. Moreover, the revised Framework requires the creation of places with a high standard of amenity for existing and future users.

Highway Safety

21. The LPA and other parties have raised highway safety concerns in respect of the achievement of adequate visibility sight lines at various points throughout the development and the lack of provision for a footway. I turn to these matters below.
22. Regarding visibility, the HA draws attention to the need to ensure the maintenance of sight lines on the sharp bend on Riverside on the north west boundary of the site. Further information has been submitted by the appellant in this regard and, additionally, the revised plans show the re-configuration of the 2 proposed visitor parking spaces to the west of Plot 4 to enable increased forward visibility. Whilst the HA appears to have ongoing concerns in relation to this matter, the required sightlines nonetheless appear to have been demonstrated to be achievable. The HA has also raised concerns that the proposed 'tandem' parking of visitor spaces is not an acceptable layout as it would lead to vehicles being blocked in. However, whilst this would not be a particularly convenient arrangement, I have been provided with no information as to the likely harm that would arise from it. It may well be that the HA feels this would dissuade use of a space which would lead to greater pressure for on-street car parking. However, I have no information before me to demonstrate that and therefore see no good reason to find the re-configured parking arrangement harmful in highway terms.
23. The appellant's revised plans demonstrate that vehicle/pedestrian inter-visibility for plots 1-5 would be achieved. However, although traffic would be likely to be travelling at low speeds on this part of Riverside, it would be important to secure adequate vehicle-to-vehicle sight lines for cars emerging from those properties given the geometry of the road at this point. On the basis of the submitted plans, no such visibility distances appropriate to the design speed of the road appear to have been provided. In the absence of such evidence, I therefore find the proposed development unacceptable in this regard.
24. In relation to the proposed junction at Goose Lane which would serve Plots 9 and 10, the road is relatively straight in the vicinity of the appeal site, but curves away a short distance to the south. Consequently, it is likely that vehicles will be accelerating when emerging from the south and I observed that whilst the road was not heavily trafficked when I visited, vehicles appeared to be travelling at or around the speed limit of 30mph. In the absence of evidence to the contrary therefore, I consider that the HA's requirement for achievement of 43m sight lines would be reasonable. The revised plans show sight lines of 33m. The LPA also contends that increased visibility would be likely to be intercepted by a protected tree. However, the submitted plans clearly show that this tree would be removed as part of the development and would not, therefore, present an obstacle in the event that the appeal were allowed. Nevertheless, I do not have a plan before me demonstrating that the required

visibility distances can be achieved. Whilst the appellant submits that such matters can be dealt with by condition, I cannot be certain that safe accesses can be achieved and I find that in this respect the proposed development is unacceptable.

25. I appreciate the appellant has expressed frustration over the LPA's timeliness in the handling of the application and the fact that such matters could have been discussed and resolved through further discussion. However, that is not a matter for me to consider in this appeal which I have determined on the basis of the submitted plans and evidence before me.
26. Turning to the need for provision of a new a footway, the boundaries to Plots 1–5 would front directly onto Riverside with an existing pavement on the opposite side of the road. The LPA and HA consider the construction of a footway along the front of these properties would be necessary in order to avoid residents needing to cross the road. However, Riverside is a cul-de-sac and appears to carry low levels of traffic. Whilst not necessarily representative, the little traffic I did see on my site visit was travelling at low speeds. Consequently, even taking into account the potential for occupants to have reduced mobility, I do not consider the need to cross the highway at this point would give rise to unacceptable risk to the safety of pedestrians.
27. I therefore conclude in relation to this main issue that it would not be necessary to provide a footway and adequate forward highway visibility has been demonstrated on Riverside itself. However, it has not been demonstrated that the proposed development would not give rise to unacceptable risks to highway safety in terms of driveway visibility on Riverside and at the proposed junction onto Goose Lane. These are not matters which could be addressed by condition after the grant of planning permission. Accordingly, the proposed development would conflict with Local Plan Policy TA5 which seeks to ensure that new development secures inclusive, safe and convenient access.

Planning Balance

28. Taking into account the above, I find that the scheme would be harmful to the character and appearance of the area through its design and through the loss of important trees. It would also, by virtue of the proposed layout, be harmful to the living conditions of future and existing occupiers in terms of garden space for plot 4 and inadequate outlook from other plots. I have also found that insufficient details have been provided to demonstrate the scheme would not be unacceptable in terms of highway safety.
29. The proposed development would have several benefits in line with the Local Plan and the revised Framework. It would make effective re-use of a previously developed site and development could take place without delay in a location which is well served by day-to-day services and public transport. Whilst the occupation of the dwellings would not be restricted, the scheme would provide accommodation suitable for older people in particular for which there is an on-going identified need. It could also have the additional advantage of attracting the "younger old" generation seeking to vacate larger homes which would, in turn, become available for growing families. In providing new planting and landscaping there would also be the opportunity for some enhancement to the character, appearance and biodiversity in the area.

30. Nonetheless, the harm I have found is significant and would not be outweighed by the benefits. Overall, therefore, I therefore find that the development would conflict with the development plan and the revised Framework as a whole.
31. The appellant submits that the LPA is currently unable to demonstrate a 5 year housing land supply and that, accordingly, the so called "tilted balance" should be engaged. I have been provided with no further evidence in relation to this matter, however, and therefore unable to determine whether any shortfall exists and the extent of any such shortfall. Nevertheless, even if I had concluded there was a moderate shortfall in housing land supply, the harm caused by the proposal would significantly and demonstrably outweigh the benefits.

Conclusions

32. For the reasons given, the appeal should be dismissed.

Ian Bowen

INSPECTOR

Appeal Decision

Site visit made on 29 January 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2019

Appeal Ref: APP/R3325/W/18/3212824

Raisey Cottage, Raisey Lane, Combe St Nicholas, Chard TA20 3HN

- 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 Andrew Griffiths against the decision of South Somerset District Council.
 - The application Ref 18/00104/FUL, dated 9 January 2018, was refused by notice dated 5 April 2018.
 - The development proposed is erection of single storey one bedroomed annexe.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether the proposal would be an acceptable form of accommodation in the countryside; and
 - ii. the effect of the proposal on the character and appearance of the area.

Reasons

Form of accommodation

3. The appeal site consists of a detached two-storey dwelling with a garage, set to the rear of the plot, as well as a further outbuilding. These buildings are set on a sloped plot that runs upwards from the road. The appeal site is outside of any defined settlement boundary and so is in the countryside for planning policy purposes.
4. The proposal is for a detached single-storey one bedroom annexe. The appellant would reside in the annexe enabling his daughter and her family to then occupy the main dwelling. It would be situated close to the road, approximately 39m from the nearest corner of the dwelling as shown on the plans and would provide a lounge, kitchen/dining area, bathroom, bedroom and study. It would therefore offer all the facilities necessary for occupation as a separate, independent, residential unit. It would have a total footprint of approximately 90sqm.
5. In order for an annexe to be considered as ancillary accommodation to the residential use of the main dwelling, in my view it is common to demonstrate

that there would be either a physical or functional link between the two buildings. The appeal proposal does not include any physical link between the annexe and the main dwelling.

6. A functional link could be a consequence of the annexe being occupied by family members who have a degree of dependence on the occupants of the house. This could be supported by a clear indication that the occupant of the annexe would undertake some activities within the main dwelling. However, the case of the appellant is that he wants *'to allow his daughter to move into and live independently in his existing 3 bedroomed detached residence, with her husband and their young family to enjoy.'* His daughter would then be able to provide company and general day to day assistance to the appellant as and when required.
7. Other than the shared vehicular access, there is little evidence presented which suggests the appellant, as the occupant, would then rely on facilities within the main dwelling or actively require the support of its occupants. Indeed, the appellant has discounted the potential to extend the main dwelling as this would result in *'a lack of privacy and independence to residents of both units.'* I therefore find the proposed annexe cannot be considered as providing ancillary accommodation to the main dwelling. This is reaffirmed as the proposal is also described by the appellant as *'a low carbon footprint dwelling'*.
8. I accept the supply of utilities, such as power, water and waste disposal will be taken from the main dwelling, but this has little effect on how the development would function and would not prevent it from being effectively independent.
9. In the absence of a demonstrable functional link to the main dwelling the proposal would provide self-contained accommodation and be tantamount to the creation of a new dwelling in the countryside. This would be contrary to national policy set out in Paragraph 79 of the Framework, which states that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances. In this case there are no special circumstances as set out in Paragraph 79 of the Framework.
10. I therefore conclude the development would not be an acceptable form of accommodation as it would not be an ancillary annexe to the main dwelling. This would conflict with Policy SS1 of the South Somerset Local Plan (2006-2028) adopted March 2015 (the LP) which, amongst other things, sets a settlement hierarchy in order to restrict new units of residential accommodation in the countryside. It would also conflict with the Framework, as set out above, and LP Policy SD1 which state that only proposals that accord with the local plan will be approved.

Character and appearance

11. The appeal site is situated in rural surroundings approached via a single track road, Raisey Lane. The site is prominent as it is elevated above the lane and has extensive views over countryside to the north. It is adjacent to an Area of Outstanding Natural Beauty (AONB). Residential development in the area is sporadic.
12. The proposed building would be situated in close proximity to the lane and would be set at an elevated level above both the lane and within the context of the extensive landscape to the north. The proposal would be set behind a

hedgerow which includes some trees. It would have a low pitched roof. Whilst the existing hedgerow would filter some views and this could be supplemented by additional planting, I find the appeal proposal would still be clearly visible from the lane and within the wider landscape owing to the prominence of the site.

13. Whilst the use of materials would be similar to that of an agricultural building, the proposal would contain a number of windows along its length and have glazed bi-fold doors in one of the end elevations. I find this design would not appear as an agricultural building, as suggested by the appellant, owing to these domestic features. In my view the extent of these features would emphasise the presence of the building at the appeal site which would result in a conspicuous development.
14. Whilst I appreciate the appellant has considered alternative locations for his proposal, the appeal scheme is set in a prominent position and because it is close to the lane I find this would be harmful to the visual amenities of this rural area. In my view the scale, design and prominence of the building would be out of keeping with its rural location and would neither preserve nor enhance the character and appearance of the area.
15. I therefore conclude the development would be harmful to the character and appearance of the area. This would conflict with Policy EQ2 of the LP. This policy, amongst other things, seeks to preserve or enhance the character and appearance of the District.

Conclusion

16. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR

Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.15 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.05 pm.

SCHEDULE					
Agenda Number	WARD	Application	Brief Summary of Proposal	Site Address	Applicant
12	EGGWOOD	18/01917/FUL **	Erection of 39 No. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure	Land Off Shiremoor Hill Merriott	Stonewater Ltd
13	WINDWHISTLE	18/03373/COU	Change of use of existing transfer station site to aggregate storage/sales and parking of heavy goods vehicles	Chaffcombe Waste Transfer Station, Chaffcombe Road, Chard	Mrs Helen Godbear Dearden
14	CRIMCHARD (CHARD)	18/02588/FUL	The erection of 23 No. dwellings, means of access and associated works	Land At Jarman Way Chard Somerset	Stonewater Ltd

Further information about planning applications is shown below 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 had been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 12

Officer Report On Planning Application: 18/01917/FUL**

Proposal :	Erection of 39 No. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure
Site Address:	Land Off Shiremoor Hill Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	17th September 2018
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Boon Brown Planning Motivo Alvington, Yeovil, BA20 2FG
Application Type :	Major Dwlg 10 or more or site 0.5ha+

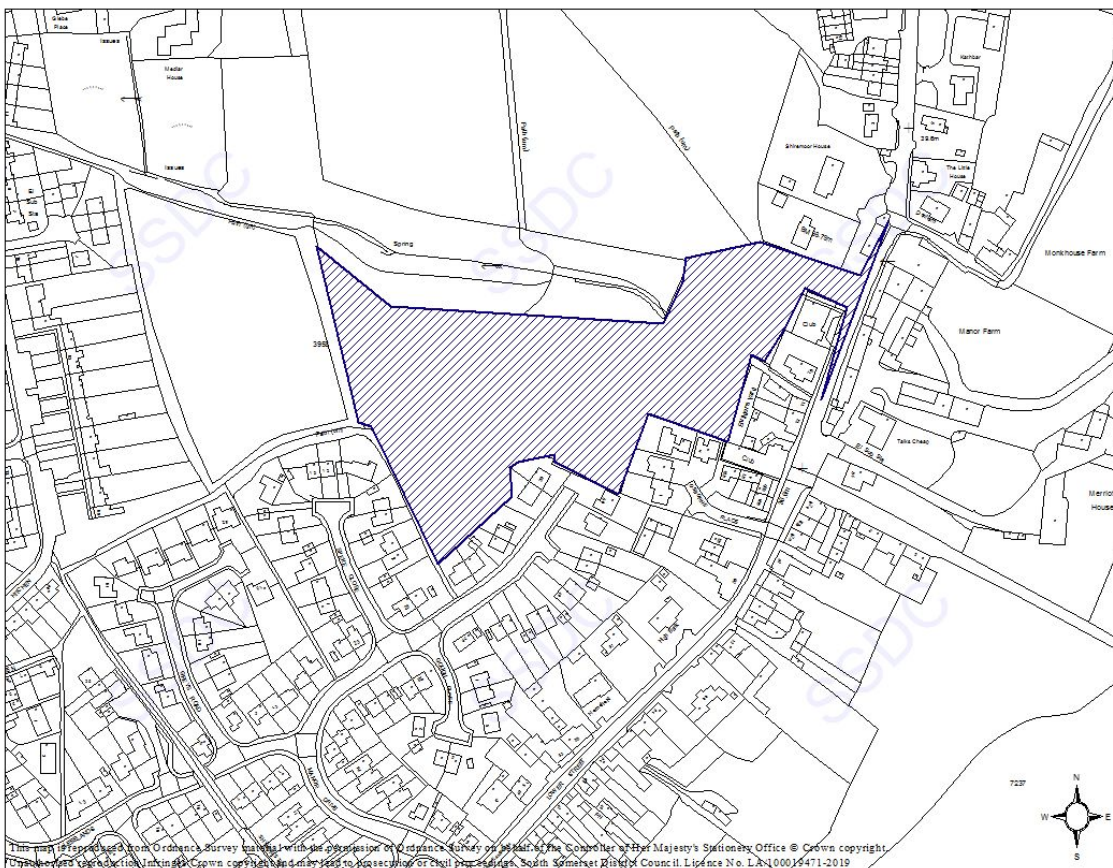
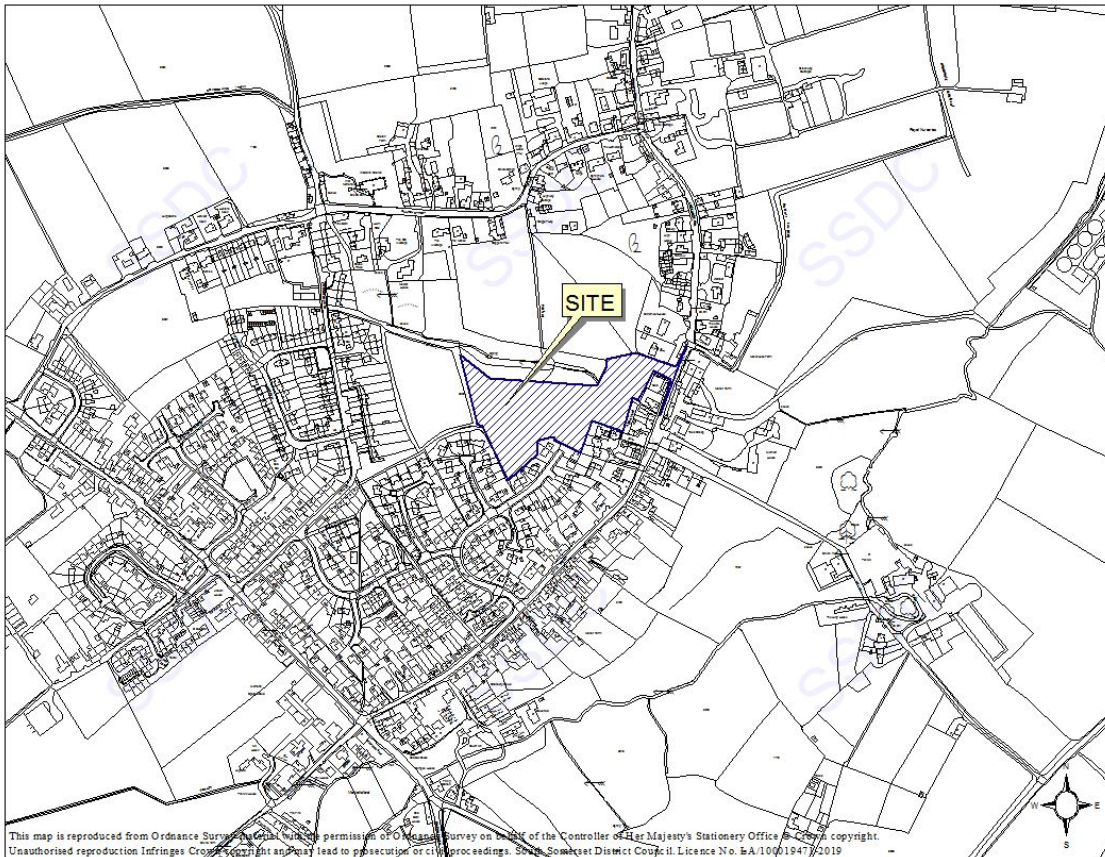
REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area West Committee at the request of the ward member and in agreement with the Chair to debate and assess the main planning issues, in particular need for the development, highways, landscape and ecological impact, and impact on the character and appearance of village.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION



The application site comprises pasture land occupying a central location within Merriott. To the east of the site is Lower Street and Shiremoor Hill, with Church Street to the north. The proposed area to be developed sits to the north of residential properties in Speke Close, Manor Drive and Osborne Place. A wooded area, the majority of which includes the Merriott Stream County Wildlife Site (MSCWS), runs east to west, mostly adjacent to and on the northern side of the site with a smaller section within the eastern side of the site. Public Rights of Way cross the site, including a route through the wildlife site and also across the site running in a north to south west direction.

PROPOSAL

Members will recall that outline consent for the erection of 30 dwellings was granted in 2017. All detailed matters were reserved for future approval other than the means of access which was approved from Shiremoor Hill. Additional land outside of the approved residential site, within the previous applicant's ownership, was to be transferred to the Parish Council to be used for Community purposes. This transfer was to be undertaken upon the grant of outline consent. This transfer has now taken place and the land is now within the ownership of the Parish Council.

This new proposal seeks consent for 39 units with a mix of 6 no x 2 beds, 18 no x 3 beds, 5 no x 4 bed, and 10 no x 3 bed bungalow. The applicant is Stonewater, a registered Housing Association and will provide 29 affordable homes with 10 market homes. Access will be gained from Shiremoor Hill as per the approved outline scheme. The internal access road will then rise westwards and then head south through the wooded area and over the brook. It would then head centrally westwards through the whole site with 3 cul-de-sacs. 37 units would be spread evenly across the site with a mix of detached, semi-detached and terraced properties. 2 detached units will be located on the northern side of the brook. External materials will be a mix of reconstructed stone, ham stone, double roman tiles and slate. 93 parking spaces will be provided including 8 visitor spaces.

HISTORY

16/00865/OUT - Residential development (approximately 30 dwellings) and access from Shiremoor Hill (approved 2017).

15/04586/FUL - Change of use of land from agricultural to equestrian use and the erection of stables and fencing (application withdrawn).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS4 - District Wide Housing Provision

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking standards

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

EQ2 - General Development

EQ4 - Biodiversity

Relevant Material Considerations:
National Planning Policy Framework

Somerset County Council Parking Standards

CONSULTATIONS

Merriott Parish Council: (first response)

Deferred at the request of the applicant for a meeting to consider the access design concerns.

(Second response)

Merriott Parish Council agreed the following statement at our meeting on 10/09/18.

'Following lengthy consideration and discussion with the applicant, Merriott Parish Council has the same concerns outlined in our submission to the original Outline Application.

The access road design is over engineered for the sensitive setting, a single lane `shared use` road of minimal impact from the Conservation Area should be considered.

The stream crossing culvert will require a four metre high wall across the sunken public right of way which runs along the stream requiring a significant detour involving flights of twenty plus steps.

This will prevent any wheel dependant less able access, and introduce difficulty to the ambient less able. It will also cause significant harm to the amenity offered by the current level streamside walk. We repeat our request for a bridge which would permit pedestrians to pass below on the existing right of way.

The development south of the stream needs to provide a significant buffer to the designated Wildlife Area.

We do not support the inclusion of the two dwellings north of the stream, they will have a significant negative impact on the open view to the East from the public right of way to the North of the development site. Without these the application still increases the number of dwellings by twenty per cent compared to the Outline Consent.

We are advised that the applicant is exploring alternative access locations which would negate the stream crossing problem.

While supportive of the principle of development of the site, should the application be considered in its present form we request refusal.'

Highway Authority: (summary)

No objection raised. The Highway Authority accept that it has been demonstrated through the Transport Assessment that the proposal is acceptable in terms of traffic impact. Some minor changes are required to the Travel Plan Statement - this can be conditioned.

Concern has been raised in regard to the proposed parking arrangements. The scheme is providing 93 spaces whereas the optimum figure is 125. No justification has been provided for this lower level of parking provision and there is a risk of parking being displaced onto the adjacent roads. The dwellings are some distance from the existing public highway and therefore it is unlikely that this highway will be adversely affected, and a formal objection is not raised. Displaced parking on the new internal access roads may still cause obstruction and inconvenience.

The access arrangements are considered generally acceptable for the level of development now

proposed. However, the new access to the public highway will require a suitable legal agreement with the Highway Authority, to agree the technical details. This is separate from any planning approval. Technical advice has been provided to the applicant and the Highway Authority encourage early engagement with them to allow sufficient time for this process.

Appropriate cycle and motorcycle parking facilities are required.

The Highway Authority recommend a number of conditions should the application be approved.

Housing Officer: (summary)

35% affordable housing sought with a split of 80:20 social rent/intermediate product. This would give a total of 14 affordable homes with 11 for social rent and 3 for intermediate housing, for example shared ownership.

A mix of 5 x 2 bed, 8 x 3 bed and 1 x 4 bed and minimum space standards sought. Trigger points sought within the legal agreement to

Designing out Crime officer:

What are the boundary treatments to the north of the site? What protection will be in place to protect the vehicles using the rear parking court serving units 31 to 37?

Please provide gates to access paths between properties as near to the front elevation as practicable

Please provide a window to the blank gable end of unit 9 to allow for surveillance of the adjacent parking court

Please provide knee rail protection to areas of public space that abut dwellings such as units 1, 6, 7, 34, 37

Ecologist: (first comment)

I'm satisfied with the Ecological Assessment Report (WYG, 14th June 2018) and I broadly agree with its conclusions and recommendations. The report's recommendations for biodiversity enhancement, through native species planting, appear to be incorporated in the landscape plan. The report makes recommendations for mitigation regarding several issues (of generally low significance). These include pre-construction badger surveys, slow worm mitigation, and protection of sensitive habitats.

I consider it appropriate to include a planning condition requiring the development to be undertaken in accordance with the report recommendations (summarised in section 5).

Ecologist: (second comment)

There are no ecological issues arising from these amendments and as such there is no further comment to make.

Natural England:

No comments to make on this application. Advise the LPA to consult your own ecology services for advice on the impact upon protected species.

Arborist:

No objection. A tree and hedgerow protection condition is recommended to protect trees and hedgerows on the boundaries of the site.

County Archaeologist:

There are limited or no archaeological implications to this proposal and therefore no objection raised on archaeological grounds.

County Rights of Way (Summary of first response)

The proposal will obstruct 2 footpaths CH 19/17 and CH 19/16. A revised layout or diversion order will need to be submitted. No objection is raised subject to the applicant being informed that the grant of

planning permission does not entitle them to obstruct a public right of way. A Grampian condition is recommended to secure the diversion before development commences. A note is also requested to ensure the development is not commenced and rights of way kept open until the diversion order has been secured. Advice in respect of protecting the health and safety of the public using the rights of way during the construction period is given.

County Rights of Way (second response)

Further to my response of the 13th August, which I temporarily retract pending further information, concerns have been raised as to the impact of this development on the footpath CH 19/16 part of which carries the regionally promoted walking trail; the River Parrett Trail. Considerable work over the last 10-15 years has been made to improve the accessibility of the trail, e.g.: exchanging stiles to gates. Whilst the trail deviates from the River Parrett at this point, to take in the village of Merriott, one of the main advantages of riverside trails in general is that they are relatively level and therefore accessible to a greater proportion of the walking public.

The proposed diversion for footpath CH 19/16 appears to show several flights of steps. This was overlooked in my previous response. Although my previous comments refer to the ability for the applicant to apply to divert the footpaths, the granting of planning permission would not guarantee a successful or appropriate diversionary route, and the applicant should be made aware that making a right of way more inaccessible, e.g.: by the introduction of steps, would be contrary to County Council policy and thus we would potentially object to any future diversion order that included steps where currently there are none. The applicant may be able to provide a step free solution on a line similar to that which is already proposed, however before accepting this position we now require the developer to justify the reasons why CH 19/16 cannot be accommodated on its current alignment, or one that is in very close proximity. The number of flights of steps suggests that there is a considerable height difference which may allow for the footpath to pass under the road bridge.

Should sound justification be presented as to why the footpath cannot be accommodated under the bridge and must be diverted to enable the development, then the Council must be provided with information which shows that a step-free route of a suitable gradient (no steeper than 1:12) can be delivered, without undue inconvenience to the public use. Failure to provide satisfactory information may result in the Council's opposition to this application. In this regard please treat this submission as an objection until such time as the above concerns and requirements have been satisfactorily answered or addressed.

Please note as per my previous response that footpath CH 19/17 will require a slight diversion, or the layout amending, to prevent obstruction of the definitive line and width of the path.

County Rights of Way (summary of third response)

Provided that the Local Planning Authority are satisfied that provision of a structure which would maintain the current route of CH 19/16 is financially not viable, we have no objections to the proposal, subject to inclusion of the following condition and informative.

Officer comment: A Grampian style condition and notes as outlined above have been requested.

Access For All

Concern has been raised that the scheme involves the construction of a bridge over an existing stream and this may result in reduced access for wheel chair users as only steps are proposed to cross over the bridged area. Compliant ramps should be provided as a minimum.

Local Lead Flood Authority: (First response) (summary)

Whilst a Flood Risk Assessment has been submitted, this needs to be updated to take account of new climate change allowances released by the Environment Agency. This would include amendments to the surface water drainage scheme to take account of the larger number of dwellings, how excess

drainage will be controlled and managed during periods when the drainage scheme is exceeded and assessment of the impact on any overland flow routes.

Local Lead Flood Authority (second response following submission of revised Flood Risk Assessment)
We provided detailed comments in August 2018 regarding this development. We commented that the site was on steep topography and could be affected by / impact upon overland flow routes. In particular property 39 would seem to be most likely to be impacted as water flows towards the watercourse. This doesn't appear to have been discussed in the FRA, nor whether any mitigation may be needed.

We welcome the amended calculations to reflect the 40% climate change allowance and this has been considered in the hydraulic modelling and drainage. However, the maximum runoff rate for the proposed development is stated in the FRA as 5.1l/s but the combined discharge into the watercourse would appear to be greater than this? Some explanation would be helpful.

In our previous response we commented that opportunities to use SUDS should be fully explored, and whilst we welcome the pond, we feel that there are areas of the site which could be utilised to provide further measures. In particular the treatment of private communal driveways, shared surfaces and parking courts. We recognise that the constraints of how the northern part of the site has been designed has resulted in the use of oversized pipes and underground tanks, so other opportunities should be maximised.

There will be a need for land drainage consent to be obtained from ourselves for works within the watercourse, and I am not aware that any application has been forthcoming.

Sport and Leisure

A total of £86,712 has been requested towards off site facilities to include the upgrading of existing play equipment at Merriott Recreation Ground, provision of new wheeled play facilities or a youth shelter at Merriott Recreation Ground and, contribution towards the provision of floodlighting to enable winter football training.

County Education:

Originally advised that there are currently school places available in the local school, thus will not be seeking education contributions. However, following a review by the Education Authority, where new pupil yields and costs were introduced, it was advised that the scheme would generate 9 1st school children. The Middle School and upper schools have enough capacity to accommodate more pupils. However, Merriott 1st School is over capacity. Thus the following education contribution is requested:
 $9 \text{ places} \times £17,074 = £153,666$.

REPRESENTATIONS

9 letters have been received objecting to the scheme with 4 making representations / comments.

A summary of the objections are as follows:

- Transport statement is dismissive of the traffic situation near the development site. Cars parked make roads single lane.
- Additional development will add to traffic volume and safety issues
- Loss of valuable green space in the middle of the village
- Availability and frequency of buses as stated in the TA is not accurate.
- Insufficient public transport
- Harmful impact on wildlife
- Village school is full
- Road design indicates possible intention to further develop
- No need for further housing in the village. 37 houses for sale.
- An increase over the original application.

- Lack of services and facilities
- Contrary to village plan
- Roads not suitable for large construction traffic
- Conflict of interest with the District Council as the applicant Stonewater is a partner of the Council.
- Adverse impact on character and appearance of the village and Conservation Area.

A summary of the representations are as follows:

- The Squash club have advised that the plans show that a fire escape is blocked off and will need to be amended. 2 low level windows provide light to the rear of the building and wish to see that natural light is not reduced.
- Originally objected to the first scheme but now accept permission has been granted. Pleased to note that the hedge behind plots 25/6 will be retained - ask about who will maintain the hedge and height of new trees to be planted.
- Pleased to note that plots 24 to 27 are single storey - ask if these can be changed?
- Note that houses are far enough away from the social club
- Want to know the boundary treatments next to the club and grounds
- Asked if parking could be provided along the new road or in the open space when the club is busy
- The club welcomes the affordable housing in the village particularly as the club is making changes to become more a family friendly community facility instead of a club.

Merriott Heritage Trust have written to object and advise that they have written to the Land Registry to object to the incorporation of Holwell Lane, an ancient Green Lane from Lower Street, into the application site. This is maintained by the Somerset County Council as a public footpath. The MHT claim that the current applicant and the previous owners do not own this right of way. They request deferral of the application until this has been resolved by the land Registry.

Officer comment: The case officer asked the agent about the footpath. This was referred to the applicant who has advised that they have discussed this claim regarding ownership of the footpath through the site with their solicitor. 'Although the MHT is asserting that the Land Registry should never have allowed the Osbornes to claim title to part of the site, where an access is/was allocated, there is no substance in this. When Stonewater purchased the site from the previous landowners, The Osbornes, they had a registered freehold title absolute, which means that the Land Registry were certain that the Osbornes had good title. Therefore when Stonewater purchased the site we also have registered freehold title absolute'.

The Merriott Heritage Trust have also raised objections in respect of the loss of valuable green open space, lack of housing need, an unsustainable site, damage to the County Wildlife Site, harm to the setting of the Conservation Area, and there is an alternative access options into the site which would be less harmful to the stream footpath and County wildlife site.

The Campaign to Protect Rural England submitted a letter on this application. Previously raised concerns about the level of development and still retain these concerns whilst accepting the principle for up to 30 units has been previously established. As a full application, there is scope to revisit the access, impact to the stream and alternative access options. Protection of the character and ecology of the area should also be considered.

CONSIDERATIONS

Principle of development

Outline consent for approximately 30 dwellings was granted in 2017 and, therefore, the principle of residential development has been accepted on this site.

Merriott is classed as a rural settlement in the adopted South Somerset Local Plan where development is strictly controlled. Development should be limited to that which provides one or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly affordable housing. The adopted Local Plan seeks to direct most of the housing growth towards Yeovil, the market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of at least 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan in regard to the distribution and spread of housing, and is designed to take advantage of employment and service opportunities in the larger settlements.

Merriott does benefit from a range of local services and facilities including a garage, a post office, a petrol station, butcher, a pub and social club, village hall, a church, a pharmacy, a primary school, pre-school and play/sports facilities. On this basis, the village clearly meets the criteria under Policy SS2 of the Local Plan for allowing development in rural settlements. Whilst, as with many rural areas, employment opportunities are low, and public transport provision is poor, people are increasingly either running businesses from home or working from home with a reduced need to travel to a main office. Taking into account the facilities available in the village, it is considered to be a settlement as being a sustainable location appropriate for development.

It should also be noted that whilst Policy SS2 has to be taken into account, insofar as parts of the policy are considered to be a housing constraint policy, due to the Council's current lack of a 5 year supply of housing, it is considered to be an out of date policy. Only limited weight can therefore be attached to Policy SS2.

As the principle is accepted, an assessment therefore now has to be made as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. In this case, the benefits of the scheme would be the provision of housing, including affordable dwellings, economic benefit during construction and the spend of new occupants in the village. In addition, money from the Community Infrastructure levy, of which 15% will go to Merriott Parish Council.

As a full application, this current proposal is a standalone application from the outline proposal. The key considerations in this case are whether the proposed number of dwellings are acceptable, taking into account the site individually and the cumulative number of dwellings completed and consented over the plan period. Moreover, an assessment has to be made in respect of the access, parking provision, layout and design of the houses, impact on the character and appearance of the area and impact on the amenity of adjoining occupiers.

Housing Need/Local Plan housing strategy

Objections have been received to the application on the basis that there is no proven housing need for additional housing in Merriott. In addition, the Parish Council has recently undertaken its own housing needs survey. 1,000 surveys were distributed with 278 being returned hence a return rate of 28%. In summary, the published report states that there is an expressed need for 10 intermediate houses in Merriott but insufficient evidence to verify this. In regard to the provision of affordable housing, 24 households/individuals within a household expressed strong links to the village and felt they may need affordable housing in the parish of Merriott. Three of these respondents are currently registered on Homefinder Somerset.

The Housing Needs Survey provides useful evidence as to the housing needs in the village. However, this must be set against the context of the overall housing needs for the district. As outlined above, whilst Policy SS2 seeks to strictly control development, rural settlements are expected to contribute to meeting the district's overall housing needs. It is not considered that it would be reasonable to refuse this application simply on the basis that there is no housing need. There is clearly a housing need in the district and the Council are currently not able to demonstrate that it is meeting its housing targets. Indeed, the housing supply position has worsened with the most recent report stating that the Council

currently has a 4 year supply, compared with the previous figure of 4.2 years. Accordingly, as a housing constraint policy, the NPPF advises that such policies are considered out of date and can only be afforded limited weight in the decision making process.

Given this context, the next assessment is whether the adverse impact of approval of this scale of development would significantly and demonstrably outweigh the benefits. Major new residential developments have been approved in Merriott in recent years, in particular 24 units at Moorlands, Tail Mill with 45 and Shiremoor with 30. Moorlands is nearly complete but it is understood that work has stopped at Tail Mill due to poor sales. Shiremoor currently has outline consent with a pending application for 39 units and has not commenced. In total, as at 31st march 2018, there have been 58 completions and 84 commitments (i.e. sites with planning permission but yet to commence). This gives a total of 142. The latter would largely be made up of the current permission at Shiremoor and Tail Mill. The benefits of this scheme would be the provision of housing, including affordable dwellings, economic benefit during construction and the spend of new occupants in the village. In addition, money from the Community Infrastructure levy, of which 15% will go to Merriott Parish Council.

In terms of assessing the scale of growth, and given the extant permission, the scheme would add to the 142 already consented giving a figure of 201. This would exceed the housing figures for Stoke Sub Hamdon and Ilchester which are classed as rural centres and in the tier above Merriott. The next tier of settlements above rural settlements in the local plan are the 6 rural centres and these generally have a target of over 200 dwellings. However, Stoke sub Hamdon, whilst included as a rural centre has a housing figure of only 51 to reflect its smaller scale and nature. Ilchester with 141 but has major constraints due to archaeology and airfield noise restrictions. Therefore the total of 201 would sit at the lower end of the larger rural settlements. Given the assessment is for 9 additional dwellings over that which have permission and could be built on the site, it is not considered that the hierarchical strategy of the local plan would be significantly harmed by this proposed development.

Highways/parking

Concern has been raised at the increased level of traffic and overall highways impact of the proposed development. It was previously accepted that the scheme would result in additional traffic. However, the Highway Authority are satisfied that the traffic impact of the scheme, with the additional 9 dwellings, would not be severe i.e. the test as outlined in the NPPF.

In terms of the access point, this is gained from Shiremoor Hill, as approved at the outline stage. The Highway Authority have assessed the access arrangements and are considered to be generally acceptable for the increased level of development now proposed. The new access to the public highway will require a suitable legal agreement with the Highway Authority, to agree the technical details. This is separate from any planning approval. Technical advice has been provided to the applicant and the Highway Authority encourage early engagement with them to allow sufficient time for this process to be undertaken.

In regard to the alignment of and technical details of the internal access road, amendments have been undertaken to the scheme, particularly in regard to the point it crosses the public right of way and the brook. Discussions took place between the agent and County Rights of Way officer regarding his original concerns. As a result of these discussions the height of the new access road where it crosses the road has been lowered by 1.4 metres; the width of the road where it crosses the brook has been reduced to a single carriageway, thus reducing the length of the culvert works and hence reducing the visual impact of the road where it crosses the brook. Moreover, the public footpath CH 19/16 has been relocated 9 metres to the west. The previously proposed ambient steps have now been removed and is now ramped at a gradient not exceeding 1 in12. Most structures have now been removed allowing earthworks and landscaping to provide a more attractive public realm.

In regard to a desire of the Parish Council to have a bridge over the brook, the applicant has carefully considered this idea. However, the applicant has stated that this would have required the road to be

constructed 1.4m higher than now proposed with an adverse landscape impact. A bridge proposal would also need to be approved by the County Council to meet adoptable standards. This would cause long delays to the scheme. In addition, it would not be financially viable. Moreover, the new route would also provide improved accessibility for all users including wheelchair users. This compares with the current route which is not likely to be used by wheelchair users due to its restricted width, poor surfacing and obstacles. Disabled access to the open space is improved via the relocation of footpath CH19/17 being more centrally located.

In regard to parking provision, the scheme falls below the optimum standard (117-125 spaces) as advised by the adopted parking standards. 93 spaces are provided including 8 visitor spaces. The Highway Authority have not objected to the level of parking provision but have advised that this may result in parking on the highway and resultant inconvenience and obstruction to road users. The main shortfall in provision is for the 3 bed dwellings where 2 spaces are provided rather than 3 spaces per dwelling as required by the adopted parking standards. On balance, in the absence of an objection from the Highway Authority, it is considered that the level of parking provision is acceptable and would not result in a severe highway impact.

In regard to alternative vehicular access options, whilst outline consent was granted via Shiremoor Hill, it was hoped that access could be gained through Manor Drive which would negate both the need to create the new access from Shiremoor Hill and the resultant internal access road through the wooded area and across the brook. Another option that has been presented is further to the south at 73-77 Shiremoor Hill. The agent and the applicant's solicitors have explored these options. In regard to Manor Drive, this option would likely raise objections from residents of Manor Drive and is also under the ownership of an adjoining property but the title cannot be relied upon as there may be other third parties with a vested interest. Moreover, although the value of this ransom strip may have been significantly reduced by the current planning permission, it still retains a reasonable monetary value. Given the tight financial viability of the scheme, it would not be a viable option. The other access option involves at least 2 land owners and this option has been deemed untenable.

Landscape Impact /Setting of Conservation Area

The biggest landscape and Conservation Area setting issue identified at the outline stage other than the proposed access point, was the possibility of dwellings located on the northern side of the brook/wooded area. It would be preferred to have no development on this side leaving it clear from development other than the new road infrastructure. The 2 proposed detached dwellings on this side of the site are well designed and constructed with natural ham stone and slate tiles. One plot (38) would sit behind and close to the squash club building, thus largely be screened from view from Shiremoor Hill. The second plot (39) would be set further into the site and more prominent. However, it would be designed and constructed of the same materials as plot 38. Whilst these dwellings would be visible from the areas of open space and from public footpaths, and would have a visual impact, it is considered that the landscape harm would not be so adverse to warrant refusal on landscape or harm to the setting of the Conservation Area.

Residential Amenity

It is considered that the layout and orientation of the proposed units have been designed to respect the privacy of adjacent occupiers. A number of bungalows are proposed along most of the boundary they will share with existing units. Along with new fencing and landscaping, it is considered that this will protect the amenity of both new and existing occupiers.

Ecology

The Council's Ecologist is satisfied with the Ecological Assessment Report that was undertaken and submitted with the application and agree with its conclusions and recommendations. The report's recommendations for biodiversity enhancement, through native species planting, are incorporated into the landscape plan. The report makes recommendations for mitigation and these include pre-construction badger surveys, slow worm mitigation, and protection of sensitive habitats. On this basis

there are no objections on ecological grounds.

Viability

The applicant has submitted a confidential viability appraisal with the applicant stating that the scheme is not sufficiently financially viable to provide the requested planning obligations other than the provision of affordable units. This appraisal has been forwarded to the District Valuer to undertake an independent assessment. The report is due to be received prior to the meeting of the Area West Committee. An oral update will be given at committee. If any member wishes to know more about the viability assessment, please contact the case officer direct.

SECTION 106 PLANNING OBLIGATION

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution of £86,712 towards the provision of sport, play and strategic facilities; and
- 3) Contribution of £153,166 towards education provision;

COMMUNITY INFRASTRUCTURE LEVY

The application is CIL liable. This would be charged at 40 per sqm. 15% of the total received would go to the Parish Council.

RECOMMENDATION

Grant permission subject to the:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution of £86,712 towards the provision of sport, play and strategic facilities; and
- 3) Contribution of £153,166 towards education provision;

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

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

Dwg No: 3808 DR -A-001
Dwg No. 3808 002 C Site Plan
Dwg No. 3808 108 A Plots 9 - 11 Floor Plans
Dwg No. 3808 109 A Plots 9 - 11 Elevations

Dwg No. 3808 119 A Plots 24 - 26, 28, 29 Floor Plans
 Dwg No. 3808 120 A Plots 24 - 26, 28, 29 Elevations
 Dwg No. 3808 130 A Sections AA & BB
 Dwg No. 3808 131 C Section CC
 Dwg No. 3808 132 Plot 27 Floor Plans
 Dwg No. 3808 133 Plot 27 Elevations
 Dwg No. 3808 134 Sections EE & FF through footpath
 Dwg No. 210 - Site wide planting plan
 Dwg No 129 - Garages for plots 38 and 39.
 Dwg No's 100, 102, 103, 104, 105 106, 107, 108, 110, 111,112, 113,114, 115, 116, 117, 118, 121, 122, 123, 124,125, 126, 127 and 128.

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

03. The development shall be undertaken in accordance with the submitted Ecological Assessment Report (WYG, 14th June 2018) recommendations (summarised in section 5).

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan.

04. No development hereby approved which shall interfere with or compromise the use of footpaths CH 19/17 or CH 19/16 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths.

05. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a phased scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

06. No work shall commence on the development site until a suitable access has been provided generally in accordance with that shown on drawing 00737-YHYD-XX-XX-DR-TP-0103 and carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

07. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of a line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 42m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

08. 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 the commencement of construction works, and thereafter maintained until construction discontinues.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

09. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

10. 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 first occupation and thereafter maintained at all times;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

11. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

12. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

13. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the SSLP.

15. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

16. The new development shall not be commenced until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan Statement as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan Statement that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP.

17. No development shall commence unless a Construction Environmental 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 and delivery 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.

Reason: In the interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

18. No dwellings hereby approved shall be constructed above base course level until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and setting of the Conservation Area to accord with Policy EQ2 of the SSLP.

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

Reason: To ensure that the development hereby approved is properly drained.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
02. The County Rights of Way Officer has advised the following:

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The applicant could submit a revised layout plan for plot nos. 32-37 and no. 6 which does not obstruct path CH 19/17. Note that the path lines on the attached plans are only centre lines. A path width plan can be prepared and provided upon request for £40.

In addition:

The construction of the proposed alternative route for path CH 19/16 will be subject to technical approval as part of any wider S38 agreement. The crossing point of the access road across path CH 19/20 will require dropped kerbs and, subject to a safety audit and technical approval, the path may require diversion to a safer route.

Due to the potential for any diversion of rights of way to be diverted onto hard surfaced routes, it may be necessary for a legal agreement to cover the works and secure a contribution/commuted sum.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

Agenda Item 13

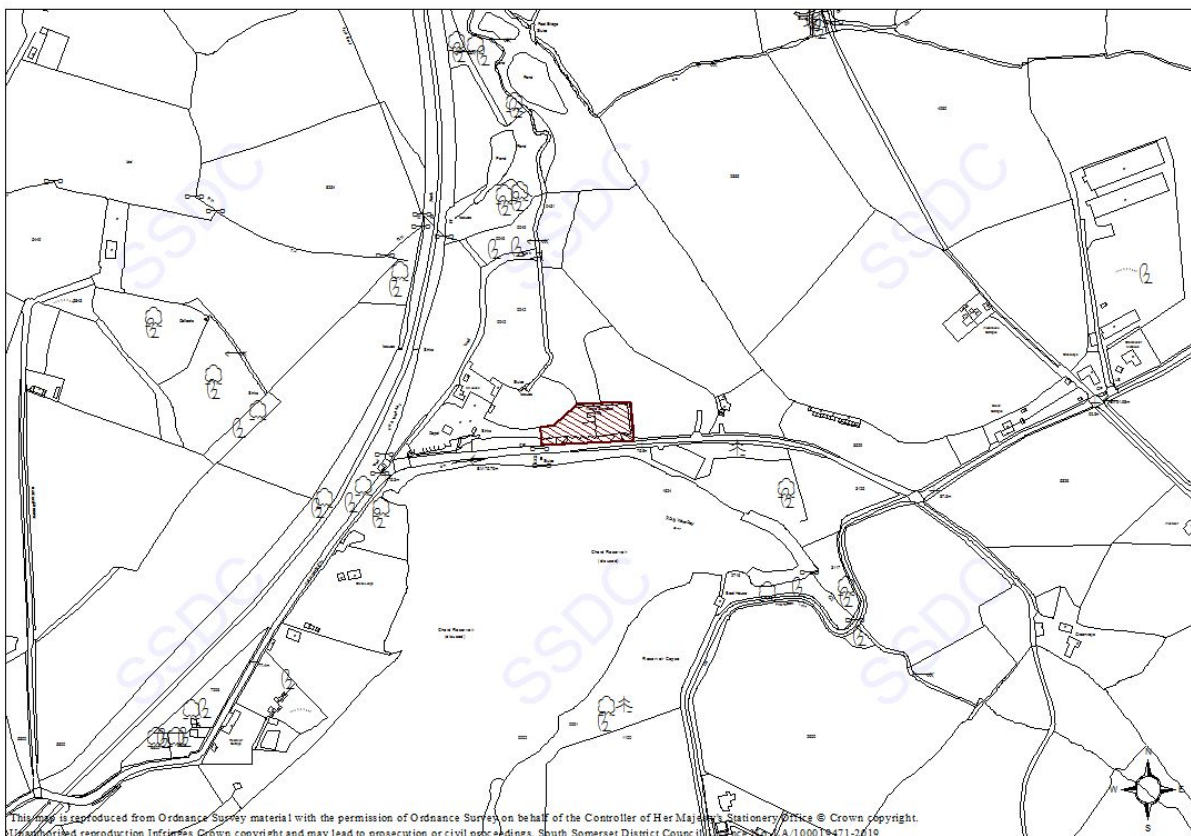
Officer Report On Planning Application: 18/03373/COU

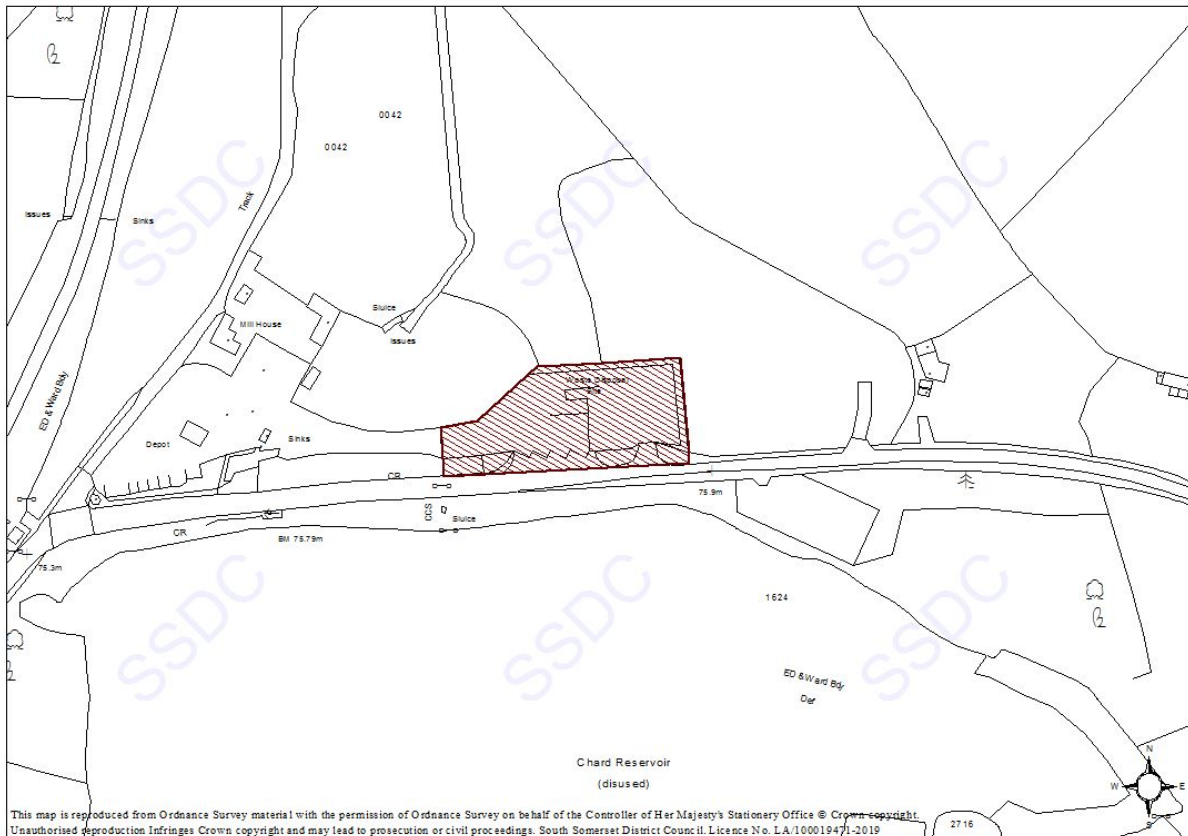
Proposal :	Change of use of existing transfer station site to aggregate storage/sales and parking of heavy goods vehicles
Site Address:	Chaffcombe Waste Transfer Station Chaffcombe Road Chard
Parish:	Chaffcombe
WINDWHISTLE Ward (SSDC Member)	Cllr Sue Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk .
Target date :	17th December 2018
Applicant :	Mrs Helen Godbear Dearden
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE:

To enable consideration of the highway and visual impact issues.

SITE DESCRIPTION AND PROPOSAL





The site is located on the north side Chaffcombe Lane, to the north east of Chard and comprises the old Council householder recycling site. It is split over two levels, the higher level being to the eastern end where access is proposed. There is a vehicular ramp at the northern end of the site connecting the two levels. It is proposed to change the use of the site to provide an extension to the adjacent business unit to the West, an aggregate merchant and general haulage business. The change of use would allow the change of use to aggregate sales/storage and for the parking of heavy goods lorries which is a generis use. The site is currently unoccupied.

There is a residential dwellinghouse to the north west of the existing business unit to the west of the site known as Mill House.

HISTORY

09/02309/FUL- Change of use of premises from a general depot to a gravel/sand merchant. (Use class sui generis)- Permitted with conditions.

POLICY

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

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

- Policy SD1 Sustainable Development
- Policy TA5 Transport Impact of New Development
- Policy TA6 Parking Standards
- Policy EQ2 General Development
- Policy EQ4 Biodiversity
- Policy EP4- Expansion of existing businesses in the countryside

National Planning Policy Framework (2018)

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 6. Building a strong, competitive economy

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Chaffcombe Parish Council:

There have been a number of concerns raised by local residents, particularly those living closest to the location. These mainly concern the current use of the adjoining site which is already operating in accordance with the planning consent previously received. Residents are concerned that by granting this application the situation could be made worse by further developing the site. Having listened to comments from both objectors and from the applicant, the majority of the members of the Parish Council feel that granting consent to this application will not make the situation worse for the nearby residents.

However councillors have expressed some concern about the sluice bridge because this is going to get more heavy traffic if the application is granted. As for the operating hours as long as they keep to their existing trading hours as in opening to the public the majority of the members of the Parish Council do not feel the extra lorry movements will be a problem. On that basis the majority of the members of Chaffcombe Parish Council do not object to the application.

One member of the Parish Council does have objections and will be writing to the Planning Department personally.

Other residents have also been advised to write personally to Planning to express their views.

County Highway Authority:

As a recycling centre this site could already realise a level of traffic associated with public vehicles, and larger refuse wagons delivering or collecting skips. Having regard to the fact that the application details state there would be limited vehicle movement connected with the change of use, and those lorry movements which do occur will be outside peak times, this Authority does not consider the proposal will create a severe impact on highway safety or efficiency. In the event of permission being granted, this Authority would recommend that the following conditions are imposed:-

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 occupation, and thereafter maintained until the use of the site discontinues.

Before the development hereby permitted is commenced the applicant shall provide information to the Local Planning Authority on the access point to the site, including autotrack drawings for the largest vehicles to use the site showing the access can be used efficiently. In the event of conflicts arising, prior to occupation the existing access shall be modified to ensure two lorries can pass within the access point and not be a hindrance to existing highway users.

The dwelling hereby permitted shall not be occupied until suitable parking spaces and an area for vehicle turning have been provided in a position approved by the Local Planning Authority. The said parking and turning facilities, shall be provided in accordance with current policy standards, and the access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Prior to occupied provision shall be made within the site for the loading and unloading of goods vehicles, for which details shall have been submitted to and approved in writing by the Local Planning Authority. The loading bays shall thereafter be retained in perpetuity.

There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reasons: In order to provide the new use with suitable access, parking facilities, loading and unloading bays, and a vehicle turning area to ensure the vehicles associated with the site are able to ingress and egress in a controlled manner, in the interests of highway safety and efficiency and in accordance with policy TA5 of the South Somerset Local Plan.

SSDC Countryside Service:

The Countryside Service of SSDC draws the attention of the applicants and the planners to the fact that the site covered by the Planning Application (18/03373/COU) is the downstream face of a 12m high dam retaining a reservoir of some one million m3 of water. As such:

1. The site is subject to the requirements of the Reservoirs Act 1975
2. The purpose of this legislation is to ensure the safety of the dam retaining the reservoir, and prevent a catastrophic release of water from the reservoir with adverse effects on those living downstream
3. As changes in ground levels or drainage arrangements on the site covered by the Planning Application may destabilise the dam such changes will require the consent of an All Reservoirs Panel Engineer acting on behalf of the Undertakers (South Somerset District Council)

The Countryside Service of SSDC asks that the following condition be included in any consent

"As the site is the downstream face of a large raised reservoir which comes under the Reservoirs Act 1975 the planning consent is subject to any proposed change in ground levels or drainage arrangements being accepted by an All Reservoirs Panel Engineer (ARPE) appointed on behalf of the Undertaker (Countryside Service of SSDC). It should be noted that a proposed change may not be acceptable, such that an alternative arrangement which is acceptable to the ARPE may have to be adopted"

REPRESENTATIONS

Following consultation, 26 representations have been received, 24 objecting and 2 making general representations. The following comments are made:

- Increase in HGVs will not be appropriate

- Concerns over conflict with leisure users- safety concerns
- Generally inappropriate location- use should be on an industrial estate
- Area of natural beauty, peaceful location
- Concerns over unrestricted hours- impact on residential amenity
- Increase in traffic could harm the bridge
- Vehicle movements should be restricted if permission is granted
- Concerns over safety of the bridge

CONSIDERATIONS

Background to the site and proposal:

The site consists of the former waste recycling facility. The site has been vacant for several years and would be considered as a brownfield site. In terms of policy the principal consideration is Policy EP3 which relates to the expansion of existing businesses in the countryside. This states:

Proposals for the expansion of existing businesses in the countryside will be permitted where:

- The business has been operating successfully for a minimum of 3 years, and is a viable business;
- It is demonstrated that the proposal is needed in this location;
- The proposal is of a scale appropriate in this location and appropriate to the existing development;
- Existing buildings are reused where possible;
- Firstly, use is made of land within the curtilage of the development where possible, and outside of the curtilage only where it is demonstrated that additional land is essential to the needs of the business;
- There is no adverse impact on the countryside with regard to scale, character and appearance of new buildings and/or changes of use of land;
- There is no adverse impact upon designations for wildlife and conservation reasons, at either local, national or international level; and
- The proposed development ensures that the expected nature and volume of traffic generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the road network in terms of both volume and type of traffic generated.

The existing business consists of a general haulage business and aggregate sales. The haulage business is understood to currently consist of 6 articulated vehicles and the aggregate sales are carried out by customers collecting from the adjacent premises or by the business delivering using their tipper trucks. Currently due to operating restrictions imposed by Vosa, the applicant is not able to operate vehicles from the existing site outside the hours of 06.30 and 18.00.

Currently the applicant rents a space on the industrial site at Cricket St Thomas for the parking of their vehicles outside these hours, however the landlord has served notice on the applicant. The application is therefore primarily to facilitate the parking/collection of vehicles, mostly at the beginning and end of each working day. The operators vehicles consist 6 articulated lorries for general haulage and 4 rigid axle trucks for aggregate sale deliveries. It is understood that the articulated lorries are a maximum length of 13 metres.

The general principle of the development is dependent on assessment against policy EP3 and this is discussed in the relevant sections below.

Policy EP3:

Having regard to the requirements of Policy EP3, the sustainability of the business is accepted as it has

been operating for over three years on the adjacent site. The application is made primarily to enable the business to park their vehicles on their site but also for some aggregate sales to take place.

The previous use as a recycling centre would have generated a relatively high number of vehicular movements, both small and large vehicles. The proposed use would be relatively low key, given the size of the site and the number of vehicles to be parked. Chard reservoir on the opposite side of the road, There is a wildlife site on the opposite side of the road which would not be adversely affected by the development.

The proposal would be entirely contained within the existing brownfield site, is well enclosed and would form a natural extension to the existing operation. Whilst there would be some increased visual impact from the HGV lorries, given the above considerations it would not result in harm to the local or wider landscape. The applicant has proposed some soft landscaping to the site frontage which would assist in providing some screening to the site.

Having regard to the above it is considered that the proposal would accord with Policy EP3 in relation to the principle of development and the impact on the character of the area.

Residential amenity:

The primary issues relate to the impact on general local amenity as a result of vehicle movements and the impact on the nearest dwelling, Mill House. There has been a history of complaints from the existing adjoining dwelling, Mill House about noise and dust as a result of the existing aggregate sales. The applicant has stated that the application would provide some new aggregate bays within the area shown on the site plan and that the best selling products in the existing site to be relocated. These would be in a position approximately 100 metres from Mill House as opposed to approximately 20 metres with the existing site. This would be a theoretical benefit in terms of the impact on the existing dwelling, however it is considered that it would be difficult to secure this through a planning condition as the principle of the existing aggregate bays already have the benefit of planning consent and there would be no formal mechanism through this application to remove existing bays outside the application site. Additionally, such a condition whilst providing certainty of the adjoining occupier is unlikely to be considered to be necessary or reasonable in planning terms.

The existing site is subject to an hours of operation condition which is 7am Monday to Friday and 8am on Saturday due to its proximity to Mill House. The applicant has requested unrestricted operating hours for the new site on the basis that they cannot guarantee that after a delivery or a haulage job, the vehicles would return during normal business hours. The vehicular movements are not considered to be sufficiently significant to be of a concern in terms of the impact on the amenities of the nearby dwelling given the distance involved. It is nevertheless considered reasonable to carry across the hours of operation for aggregate sales to the new site to limit other associated activity such as customer visits etc.

Highway Impacts:

The Highway Authority have been consulted and do not object to the application subject to conditions. Given that the previous use would have generated a relatively significant number of vehicular movements the likely movements resulting from the application are not considered to be sufficiently significant to warrant refusal.

Requested conditions include matters such as a vehicle tracking diagram for the HGV lorries, provision of turning and loading space and visibility. The Highway Authority have requested that a condition is included to agree HGV tracking within the site to ensure that the entrance and site accommodate the vehicles safely. This exercise will require the applicant to submit further technical detail to demonstrate that vehicles can be safely manoeuvred within the site and that there are no adverse impacts on the

safe functioning of the access.

The applicant has stated that they would intend to park 6 articulated vehicles and 4 rigid tipper trucks within the site. It is understood that the largest of these are 13 metres long and that all of the vehicles are intended to be parked on the upper section of the site.

Subject to the above conditions, it is considered that the proposal would comply with Policies TA5 and TA6 of the South Somerset Local Plan (2006- 2028).

Conclusion

Overall, the proposal is considered to provide an acceptable commercial re-use of the site, satisfies highway safety concerns and is not considered to cause any unacceptable harm to the residential amenity of the occupiers of the residential properties in the vicinity. Therefore, the recommendation to Members is to grant planning permission for the proposed change of use.

Recommendation

Grant permission with conditions

01. The proposed change of use is considered to be an acceptable form of commercial development, respects the character of the area and is not considered to be detrimental to highway safety or cause any unacceptable harm to residential amenity, in accordance with the aims and objectives of policies EQ2, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. No operations, other than lorry movements and deliveries, shall be carried out at the site outside the hours of 07.00 hrs and 18:00 hrs Monday to Friday and 08:00 hrs and 13:00 hrs on Saturdays.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

03. All lorry movements for access and egress to the site outside the hours of 07.00 hrs and 18:00 hrs Monday to Friday and 08:00 hrs and 13:00 hrs on Saturdays shall be made through the primary access off the highway illustrated on the approved block plan. There shall be no vehicular access to the site outside the above hours via the existing commercial site.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Prior to their installation, details of the aggregate bays in general accordance with the site plan shall be submitted and approved in writing. There shall be no further development of aggregate storage within the site without the prior express grant of planning permission.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

05. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping to include details of planting to the road frontage, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities and character of the area to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

06. All Plant and machinery shall be fitted with effective silencers, details of which shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented before the development hereby permitted is first commenced and thereafter fully maintained.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

07. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

08. No manufacturing, fabrication or other industrial process shall take place outside the confines of the buildings on the site.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

09. There shall be no burning of any produce of material whatsoever on the site other than in a properly installed incinerator within a building.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

10. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land other than between the hours of 08.00 hrs and 18.00 hrs Monday to Saturday.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

11. Before the development hereby permitted is commenced the applicant shall provide information to the Local Planning Authority on the access point to the site, including autotrack drawings for the largest vehicles to use the site showing the access can be used efficiently. In the event of conflicts arising, prior to occupation the existing access and parking space locations shall be modified to

ensure two lorries can pass within the access point and not be a hindrance to existing highway users.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

Agenda Item 14

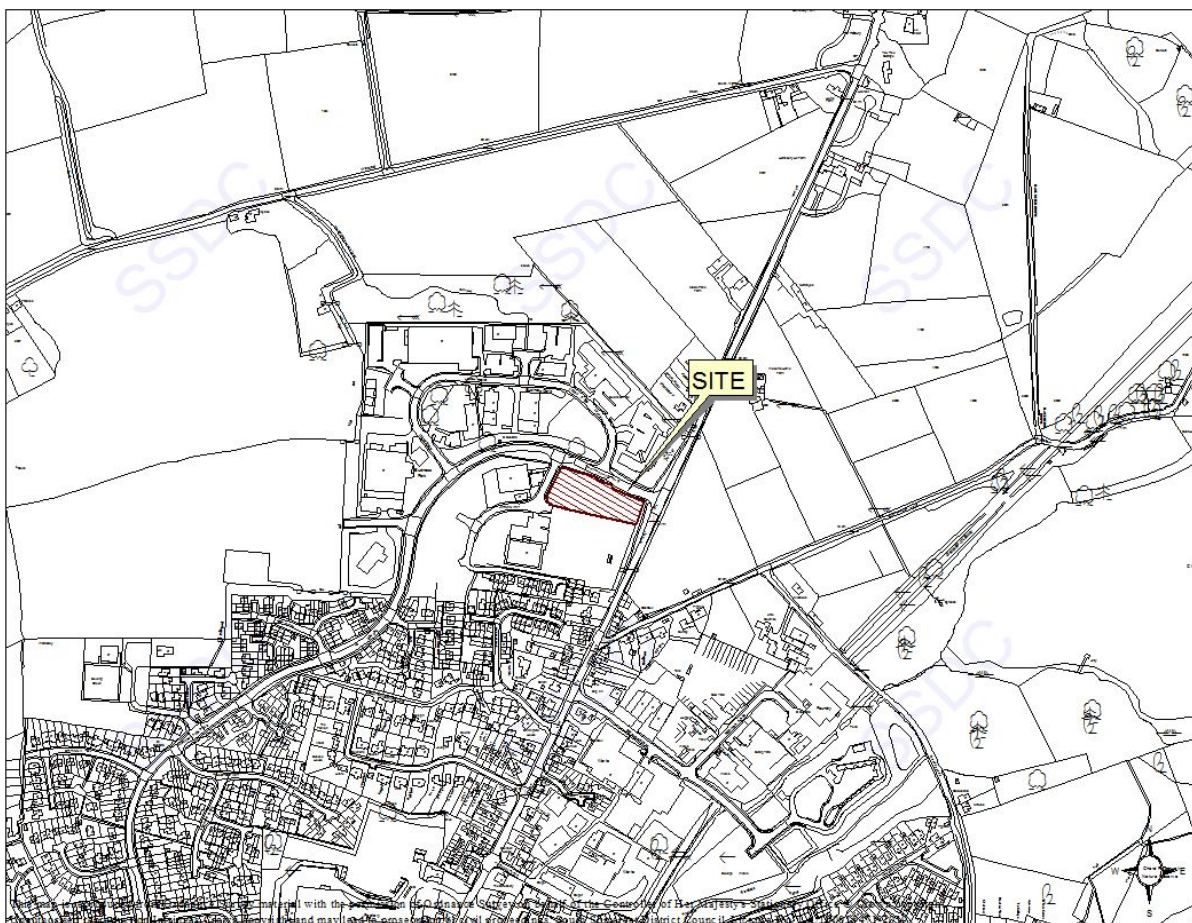
Officer Report On Planning Application: 18/02588/FUL

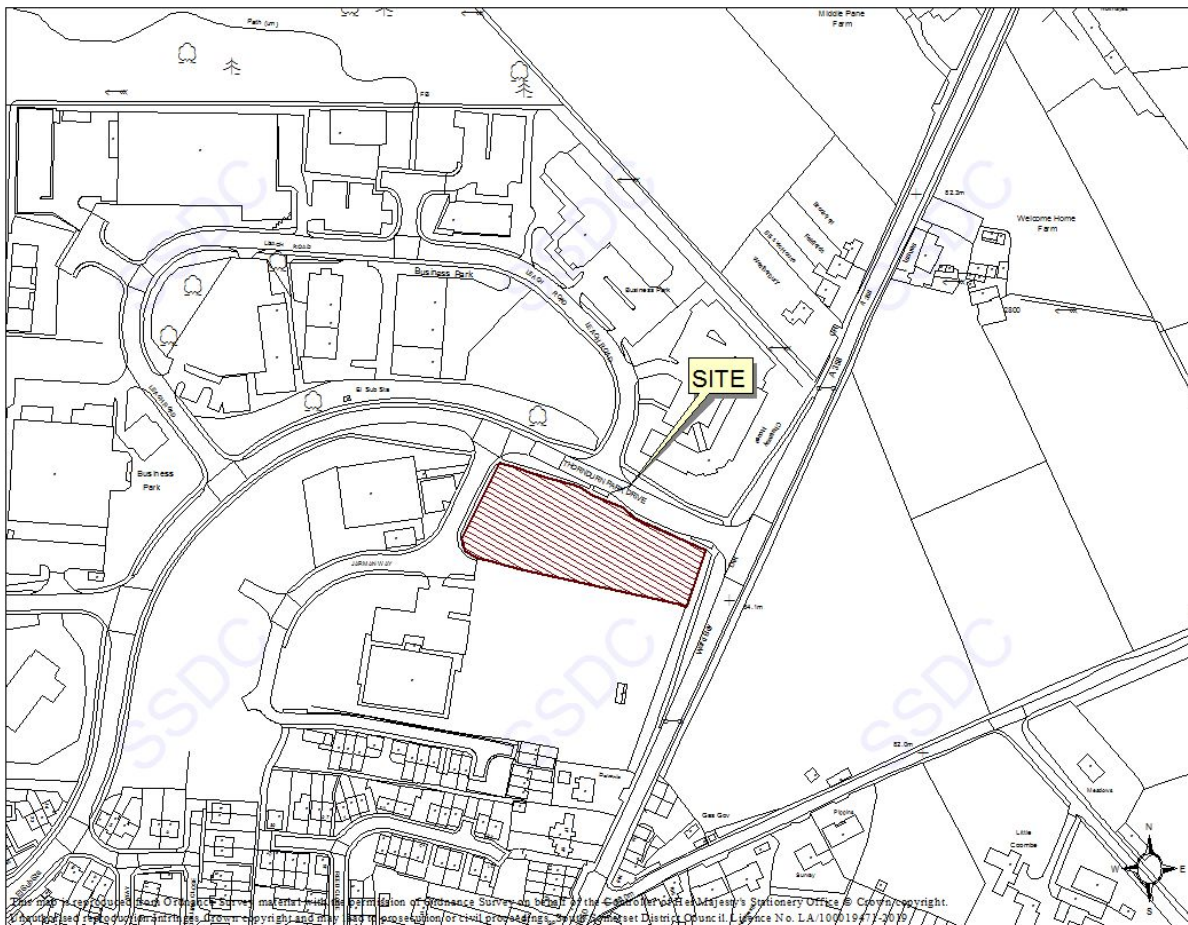
Proposal :	The erection of 23 No. dwellings, means of access and associated works
Site Address:	Land At Jarman Way Chard Somerset
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr J Kenton
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	17th December 2018
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Mr Matt Frost Boon Brown Planning Motivo Alvington, Yeovil, BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE:

The application is referred to the Planning Committee at the request of the Ward member and with the agreement of the Chair due to concerns over the principle of housing development in this location.

SITE DESCRIPTION AND PROPOSAL





The site is located on the northern edge of Chard, on a corner plot between the western side of the A358 (Furnham Road) and Thorndun Park Drive on the northern edge of the site. To the north and west of the site are business units comprising part of Chard Business Park. To the south are recently constructed residential properties which was a scheme of 41 dwellings and a care home approved under reference no. 12/04283/FUL. The site forms the part of the above application site that was designated for the care home.

This application is made by Stonewater who are an affordable home provider seeking consent for 23 no. affordable dwellings. 35% of the dwellings would be secured as affordable through a Section 106 agreement, although it is anticipated that Stonewater will develop the scheme as 100% affordable. The accommodation would comprise the following:

Vehicular access is proposed from David Way in the south west corner of the site. It is proposed that the internal estate road would remain private and managed by Stonewater.

The internal estate road will remain private and will be maintained by Stonewater. 39 car parking spaces are provided for the proposed dwellings, including 5 visitor spaces. It should be noted that the Somerset Parking Strategy optimum parking standards would require a total of 51.5 spaces for the development. Footpath links are provided along the internal estate road linking onto David Way. Three pedestrian links are proposed onto the existing adopted footway which links David Way and the A358.

The proposed layout is arranged around a single access road with most of the houses and flats being two storey except for the block of flats at the site entrance which would be 2 and a half stories. The development will be constructed using a mix of brick, reconstituted weatherboarding and concrete tiles.

During the course of the application amended plans were received which made alterations to plot 19, in order to exclude a strip of land within the open space on the corner of the highway which is in the ownership of the District Council.

The application is supported by the following documents:

- Application form and plans
- Design and Access Statement
- Ecology Reports (Ph 1 and Reptile Survey)
- Transport Technical Note
- Drainage Strategy
- Tree Survey

HISTORY

12/04283/FUL- The erection of 41 No. dwellings and 1 No. 68 bedroom care home together with associated highway infrastructure, parking, landscaping and footpath links

880194 - Outline consent for development of land as a business park and construction of a distributor road. This was approved subject to a Design Brief intended to shape future reserved matters applications and achieve high quality designs.

96/01070/FUL Erection of an industrial unit on Plot 1. This is the current application site but the permission was never implemented.

POLICY

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

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

- Policy SD1 Sustainable Development
- Policy SS1 Settlement Strategy
- Policy SS4 District Wide Housing Provision
- Policy SS5 Delivering New Housing Growth
- Policy SS6 Infrastructure Delivery
- Policy EP3 Safeguarding Employment Land
- Policy HG3 Provision of Affordable Housing
- Policy TA4 Travel Plans
- Policy TA5 Transport Impact of New Development
- Policy TA6 Parking Standards
- Policy EQ2 General Development
- Policy EQ4 Biodiversity
- Policy EQ7 Pollution Control
- Policy HW1 Provision of Open Space, Outdoor Playing Space, Sports,

National Planning Policy Framework 2018

Chapter 2. Achieving sustainable development
Chapter 3. Plan-making
Chapter 4. Decision-making
Chapter 5. Delivering a sufficient supply of homes
Chapter 6. Building a strong, competitive economy
Chapter Ensuring the vitality of town centres
Chapter Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking

Policy-related Material Considerations

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

CONSULTATIONS

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

Chard Town Council:

First response:

That this application should be approved subject to considering the previous application and any issues with parking.

Second response:

This application should be approved but continued concerns about the lack of supporting infrastructure are noted.

County Highway Authority:

I refer to the above-mentioned planning application received on 9 January 2019 and after carrying out a site visit on 28 January have the following observations on the highway and transportation aspects of this proposal:-

In the event of permission being granted, I would recommend that the following conditions are imposed:-
No development shall commence unless a Construction Environmental 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.
- On-site vehicle wheel washing facilities.

The proposed development shall be served by a new access constructed in accordance with 3821-BB-SP-00 -DR-A-101 Revision D

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 (trigger point) and thereafter maintained at all times.

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.

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed and connected to the existing system in the area in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: To ensure the dwellings hereby permitted are provided with a suitable access road and appropriate pedestrian and cycling infrastructure in the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

SSDC Community, Health and Leisure:

A contribution of £58,987.00 (£2,565 per dwelling including a 1% administration fee) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

£42,144 capital contribution towards local facilities comprising the following:
 £18,278 towards equipped play and youth facilities at the 'plot 5' open space
 £8,428 towards the development of a new playing field at Forton rangers FC

£15,407 towards the provision of new changing facilities at or adjacent to Forton Rangers FC

£16,290 commuted sum (for ongoing maintenance) comprising the following:

£9,935 towards equipped play and youth facilities at the 'plot 5' open space.

£5,116 towards the new playing field at Forton Rangers FC

£1,239 towards new changing facilities at or adjacent to Forton

It is recommended that the contribution towards local play be paid prior to the occupation of 25% of the proposed dwellings and that the contribution towards playing pitches and changing facilities be paid prior to occupation of 50% of the proposed dwellings.

Police Crime Prevention Design Advisor:

Please ensure that cycle stores have adequate security on the doors (digital pad) and that they have roofs as none shown on any plans?

County Archaeology:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

SSDC Housing:

Policy requires 35% affordable housing split 80:20 affordable: intermediate product.

This new split is evidenced in the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016).

This would be 8 of the currently proposed 23 units and they would be split:- 6 for social rent and 2 for other intermediate affordable housing solutions.

I would like to propose the following property mix:

Social Rent

2 x 1 bed flats

2 x 2 bed flats

2 x 2 bed houses

Other intermediate affordable

2 x 2 bed houses

I would expect our prevailing minimum space standards should also be adhered to:

1 bedroom flat 47 sqm

2 bedroom flat 66sqm

2 bedroom house 76 sqm (86 sqm if 3 storey)

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy.

In the event of more than 35% being delivered, the tenure composition of the 35% secured by the S.106 would be subject to the agreement of the Housing Development Officer.

I 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 or if flats have the appearance of houses.

I also expect that the rented units will be made available to anyone registered on Homefinder Somerset. The s106 should also include a schedule of approved housing association partners for delivery of the affordable units. Currently our main partners are:

Bournemouth Churches Housing Association (BCHA)

Knightstone Housing

Stonewater Housing and,

Yarlington Housing Group

The Housing Development Officer to be informed of the selected HA prior to commencement of the development.

SSDC Ecologist:

I'm satisfied with the conclusions of the Preliminary Ecological Assessment (Encompass Ecology, March 2018). Other than the issues detailed below, there aren't considered to be any other significant ecological constraints.

Reptiles

Slow worms could potentially be present on site due to the presence of suitable habitat.

Slow worms are a declining species and have consequently been included as a 'priority species' for the conservation of biodiversity (section 41 of the NERC Act 2006). They therefore need to be taken into account in the planning process.

They are also legally protected (Wildlife and Countryside Act 1981, as amended) against deliberate and reckless harm or killing (such as could occur from construction activity). However, the legislation protects only the animals themselves and not specifically their habitat. Consequently, provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development.

However, further details on mitigation measures to avoid or minimise harm will be required. I recommend a condition in this respect:

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

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

Biodiversity enhancement

NPPF expects development to deliver some enhancement for biodiversity. This can include incorporation of features beneficial for wildlife (e.g. native species planting, bird and bat boxes) within new developments. I recommend a condition requiring submission of details of measures to be provided for the enhancement of biodiversity:

Prior to the commencement of development, details of measures for the enhancement of biodiversity (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

An alternative to the pre-commencement condition would be for the applicant to provide this information prior to determination, and its implementation to be made the requirement of a condition.

I consider the measures recommended in the survey report are appropriate.

Natural England:

No comments to make.

Local Lead Flood Authority:

As the site already has planning permission for development, and this is a change of part of the site from care home to residential use, there are no objections to the proposals. The extension of the existing geocellular storage would appear to be a pragmatic approach to drainage at the site, although if other SUDS can be used within the site these should be explored as part of detailed design. These are more likely to have a source control or treatment element.

A standard sustainable drainage condition should be applied here.

Wessex Water:

No comments received.

Lead Local Flood Authority (County Council Drainage):

No objection subject to a drainage condition.

Somerset Waste Partnership:

Although we prefer each property to be able to have a direct collection outside their own house (it gives more responsibility to the resident when it is outside their own house, and reduces the risk of communal collection/anti social behaviour/litter problems with waste left out 24/7, flytipping etc), the proposal attached does fall within national guidelines as stated below. The communal collection points will be Stonewater's responsibility to maintain/clear in the event of problems post-occupation.

Somerset County Education:

No comments received.

REPRESENTATIONS

Following consultation, 2 letters of representation have been received: 1 objecting and 1 making general observations on the development. In addition a representation from Somerset Wildlife Trust has been received making comments on the application. In addition a representation has been received from Persimmon Homes objecting to the proposal.

The objections make the following comments:

Highways and parking:

Development will result in the loss of 12 visitor parking spaces that were secured under the 2012 permission for the adjacent housing and care home as these spaces will be allocated to the new dwellings.

General parking congestion in the area will be made worse.

Concerns over loss of privacy between facing windows.

Access opposite the gym would result in less severe impact on existing residents in David Way.

Proposed open space in a poor location, dangerous for children on a main road.

Adverse impact on wildlife and protected species.

Other Issues:

Harm to amenity as a result of noise/disturbance from proposed parking areas in proximity to existing dwellings

CONSIDERATIONS**Five Year Land Supply:**

The Council currently cannot demonstrate a 5 year land supply. Accordingly, Paragraph 11 of the National Planning Policy Framework is engaged. For decision making, this states that: "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, 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; 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".

The above paragraph describes what is often referred to as the 'tilted balance' which is currently engaged for decision making in South Somerset. It partially shifts the focus from the relevant development plan policies to the other material considerations and impacts of the development. It should be noted that the degree of weight given to relevant development plan policies in this context is a matter for the judgement of the decision maker.

Principle of development/sustainable development:

The Local Plan identifies Chard as a Primary Market Town and accordingly Policies SS1 and SS5 provide support in principle for residential development. Policy SS5 sets out that Chard provides 1852 dwellings over the plan period. The Local Plan Review has established that It is established that housing delivery to date in Chard is significantly below the Local Plan target (-996 dwellings).

The site is located on land that was originally permitted in reference 880194 as part of 'Chard Business Park' and the site was known as 'plot 1'. There was also a subsequent permission in 1996 under reference 96/01071/FUL for the erection of an industrial building on the site. This permission lapsed and was never implemented. It is also noted that the business park was never an allocated site for employment purposes, rather it was subsumed by the development area for Chard and as such there is a general presumption in favour of development, including residential as well as employment.

In 2012 full planning permission was granted for the site as a care home along with 41 dwellings adjacent to it which have been completed and occupied. The care home was never developed and that part of the 2012 site remained derelict. The applicant has stated that approaches were made to 41 care providers and that no interest was expressed. Other than these approaches there was not a standard marketing exercise whereby the site was marketed in publically accessible sources for a period of time. The applicant has undertaken to provide further details of these approaches and the responses received. The committee members will be provided with this information as an update to this report.

It should be further noted that in permission for housing in 2012 it was accepted that the applicant had marketed the site unsuccessfully for employment use. The permission was partially based on the fact that the care home would generate a number of jobs and would provide much needed elderly accommodation.

Notwithstanding the above, the Council currently cannot demonstrate a 5 year housing land supply and there is a recognised severe shortage of affordable housing across the district. A number of years have passed without the carehome being delivered through the market. If permission is refused for housing, it is not known whether or when the care home proposal may be delivered.

Against the above context, the lack of 5 year land supply and the benefits of housing provision, it is considered that there are insufficient grounds to refuse permission on the basis of the loss of the care home accommodation and associated employment. Accordingly it is considered that the proposal is on balance acceptable in principle.

Character and appearance

The overall density and layout of the scheme would be acceptable. The elevations show a slightly contemporary appearance with a mixture of red and grey bricks. It is considered that this would be acceptable in the context of surrounding development.

A planning condition is considered reasonable and necessary to agree details and samples of the proposed materials prior to the construction. Subject to conditions it is considered that the proposal would have an acceptable impact on the character and appearance of the area and would therefore accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Highway Safety

The application is supported by a Transport Statement. This has been assessed by the County Highway Authority who did not object to the application in relation to the traffic impact which includes considerations such as the number of vehicles generated, access and parking.

Following receipt of the Highway Authority comments, it has been noted that 12 parking spaces located on Jarman Way that were included within the scheme in 2012 were not subsequently provided. The lack of these spaces would mean that the existing residential development is substandard in terms of parking provision and has a shortfall of 14 spaces (not taking into account the visitor requirement) or 22 if the visitor requirement is included. In addition to the above, the proposed development which would utilise these 12 spaces for the new development as opposed to the previously approved development would provide a shortfall of 12 spaces not including visitors or 13 including visitor provision. The total combined shortfall would be 26 for residential provision only and 35 if the parking strategy standards for visitor parking are included.

The applicant has undertaken to carry out a parking survey to record evening parking levels within the existing development to provide the Highway Authority with the evidence they need to make a judgement on whether the combined impact of the parking provision would result in an unacceptable level of congestion. The Planning Committee will be provided with a verbal update at the committee meeting with the outcome of this additional evidence and the response of the Highway Authority.

The applicant has not proposed a travel plan, however Policy TA4 of the Local Plan requires that a measures only travel plan is secured. An appropriate conditions is therefore included within the decision notice.

Subject to the above conditions it is considered that the proposal is appropriate in relation to highway safety and accord with policy TA5 of the South Somerset Local Plan (2006-2028).

Residential Amenity

The impact on existing residents in terms of overlooking, overshadowing and general noise and disturbance is considered to be acceptable. Amended plans were received to ensure that the impact on existing dwellings, in particular existing dwellings facing plot 21 the front of plot 21, an end of terrace with Nos 19 and 20. These have been reconfigured to ensure that plot 21 does not face the existing dwellings, rather it is orientated with a gable end facing adjoining occupiers. This combined with the separation distance of approximately 8 metres is considered to be acceptable.

In relation to plot 22, the impact is considered on balance to be acceptable. The gable end would be located approximately 4.5 metres away, however this would be located to the north of the adjacent flats and therefore would not impinge on direct light levels. Additionally the floor layouts of the adjacent flats indicate that kitchen and bathroom windows would be affected. The bathrooms are not considered to be habitable rooms and the kitchen is a full depth open plan room which is served by a south facing window on the opposite elevation. Given the orientation and presence of a south facing window that would be unaffected, it is considered that the impact would be acceptable.

Having regard to the above, it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Planning Obligations

Sports and leisure-

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £58,987.00. The applicant has contended that the scheme is not viable with this level of contribution and accordingly an assessment by the District Valuer has been commissioned. The Planning Committee will be provided with an update at the committee as to the outcome of the District Valuer assessment.

Affordable housing-

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy.

The details of the mix of units to be delivered as affordable will be secured and delivered through the S.106 legal agreement. Accordingly it is considered that the proposal would comply with Policy HG3 of the South Somerset Local Plan (2006-2028).

Drainage

The County Council Local Lead Flood Authority have been consulted and do not object to the proposal subject to a standard condition to secure details of surface water drainage. A drainage scheme was agreed across the site when the care home was approved, however it is likely that minor variations would be required. A condition is proposed to secure the drainage details prior to commencement of the site other than certain works to the site access only. Subject to this condition it is considered that the proposal would accord with Policy EQ1 of the South Somerset Local Plan (2006-2028).

Ecology

The applicant has submitted a preliminary ecological appraisal and reptile survey with the application. The reptile survey has shown that there are slow worms present on the site. The Council's Ecologist was consulted but they did not take into account the reptile survey and accordingly recommended that a condition secures a slow worm survey.

The applicant has suggested that a condition is imposed to carry out a mitigation strategy to include the partial relocation of slowworms to enable the commencement of the access to the site. The relevant area would be protected by slowworm barriers prior to the remainder of the site being addressed.

A condition is proposed to secure this phased slowworm relocation strategy.

Conclusion

Having regard to the above it is considered that the proposal would comply with the relevant development plan policies relating to character and appearance, residential amenity and the principle of development.

The Planning committee will be updated on parking issues and sports and leisure contributions at the planning committee.

RECOMMENDATION

The recommendation is to approve subject to the following:

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's

solicitor(s)) before the decision notice granting planning permission is issued to:-

- Ensure the delivery of 35% affordable housing, 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Local Planning Authority in the event that the scheme delivers more than 35% affordable housing.
- b) Receipt of the report from the District Valuer and subsequent agreement on the level of contributions towards Sports and leisure facilities. Any agreed contribution to be secured through the section 106 agreement.
- c) Receipt of further information in relation to the marketing strategy
- d) Receipt of further details in relation to parking and subject to a subsequent positive response from the Highway Authority on these matters.
- e) Receipt of an acceptable slow worm mitigation strategy.

And

The following conditions:

01. The provision of housing in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework (2018).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. Other than as required by conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 3281/100 A; 3281/101 D; 3821/111 A; 3821/112 A; 3821/113 B; 3821/114 B; 3821/118 A; 3821/210 C; 3821/290 B only.

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

03. No development hereby approved shall be carried out on each of the following until particulars of the relevant detail have been submitted to and approved in writing by the Local Planning Authority;

- a.) a schedule of materials (including the provision of samples to indicate colour and finish where appropriate) to be used for the external walls and roofs;
- b.) details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
- c.) panels of brickwork and stonework shall be provided on site for inspection;
- d.) details of the materials, colour and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- e.) particulars of boundary treatments and hard surfacing materials.
- f.) details of meter cupboards and gas boxes, including location, colour and finish;

Once approved such details shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The scheme of landscaping, illustrated on plan no. 3821-BBLA-SP-XX-DR-L-210 Rev. C shall be carried out and completed no later than in the first planting and seeding season following the first occupation of any of the dwellings hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development, other than works associated with the construction of the vehicular access up to base course level within the area outlined in green on Dwg No. [], shall take place until a surface water drainage scheme based on sustainable drainage principles together with 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. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage in accordance with the NPPF (2018) and Policy EQ1 of the South Somerset local Plan (2006-2028).

06. 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 to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

07. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

09. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. 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 first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 3821-BB-SP-00 -DR-A-101 Rev. D, and shall be available for use before prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 25 metres to the south east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

15. No development shall take place, other than works associated with the construction of the vehicular access up to base course level within the area outlined in green on Dwg No. [] in accordance with the interim slow-worm mitigation strategy received on [], until a site-wide mitigation strategy detailing measures for the translocation of slow-worms from the site has been submitted to and approved in writing by the local planning authority. The continuation of works shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

16. A scheme of ecological enhancements (e.g. bat and bird boxes, wildflower sowing and management), including a timetable for implementation shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved. The approved scheme shall be carried out and completed accordance with the approved details.

Reason: To ensure ecological enhancements in accordance with Chapter 11 of the NPPF (2012).