
Area West Committee

Wednesday 15th July 2020

5.00 pm

A virtual meeting via Zoom meeting software

The following members are requested to attend this virtual meeting:

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

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

Oliver Patrick
Garry Shortland
Linda Vijeh
Martin Wale

Planning applications will be considered shortly after 5.00pm.

Any members of the public wishing to address the virtual meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 14th July 2020.

This meeting will be viewable online by selecting the committee meeting at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This Agenda was issued on Monday 6 July 2020.

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

In light of the coronavirus pandemic (COVID-19), Area West Committee will meet virtually via video-conferencing to consider and determine reports. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Area West Committee

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

Agendas and minutes of meetings are published on the council's website at:
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on Tuesday 14th July 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

This meeting will be streamed online via YouTube at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Virtual meeting etiquette:

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

Planning applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am on Tuesday 14th July 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

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

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

The order of speaking on planning items will be:

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

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 15 July 2020

Agenda

Preliminary Items

1. To approve as a correct record the Minutes of the Previous Meeting

To approve as a correct record the minutes of the previous meeting held on 17th June 2020.

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting.

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

Planning Applications Referred to the Regulation Committee

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

Councillors Jason Baker, Sue Osborne and Linda Vjeh.

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 19th August 2020 using Zoom virtual meeting software.

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. Schedule of Planning Applications to be Determined by Committee** (Pages 7 - 8)
- 8. Planning Application: 19/01053/FUL** - Land at Thorhild, Tatworth Road, Chard, TA20 2NJ** (Pages 9 - 28)
- 9. Stop Line Way Progress Report** (Pages 29 - 33)
- 10. Area West Committee Forward Plan** (Pages 34 - 35)
- 11. Planning Appeals** (Pages 36 - 57)

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

Schedule of Planning Applications to be discussed by Area West Committee

Director: Netta Meadows, Service Delivery
Service Manager: Simon Fox, Lead Officer (Development Management)
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 virtual meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 5.00 pm.

The meeting will be viewable online at: <https://youtu.be/bZCNub6o5zs>

Any members of the public wishing to address the virtual meeting regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 14th July 2020.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
8	CHARD JOCELYN	19/01053/FUL**	Proposed residential development for the erection of 94 dwellings, formation of vehicular access from Tatworth Road and associated works.	Land At Thorhild Tatworth Road Chard TA20 2NJ	Mr E Khodabandehloo

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 has 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 8

Officer Report On Planning Application: 19/01053/FUL**

Proposal :	Proposed residential development for the erection of 94 dwellings, formation of vehicular access from Tatworth Road and associated works.
Site Address:	Land At Thorhild Tatworth Road Chard TA20 2NJ
Parish:	Chard
CHARD JOCELYN Ward (SSDC Member)	Cllr Dave Bulmer
Recommending Case Officer:	Linda Hayden
Target date :	30th July 2019
Applicant :	Mr E Khodabandehloo
Agent: (no agent if blank)	Collier Planning 2nd Floor, Unit 2 Chartfield House Castle Street Taunton TA1 4AS
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

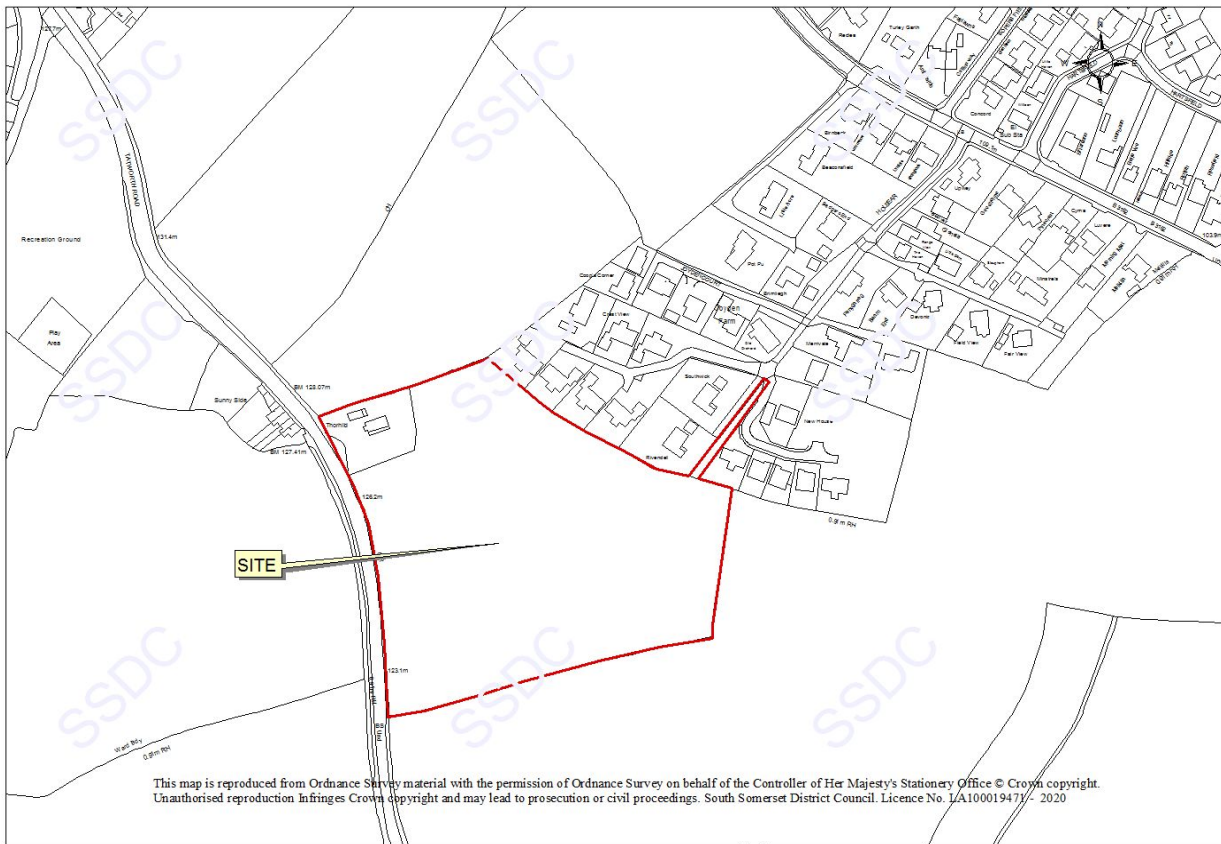
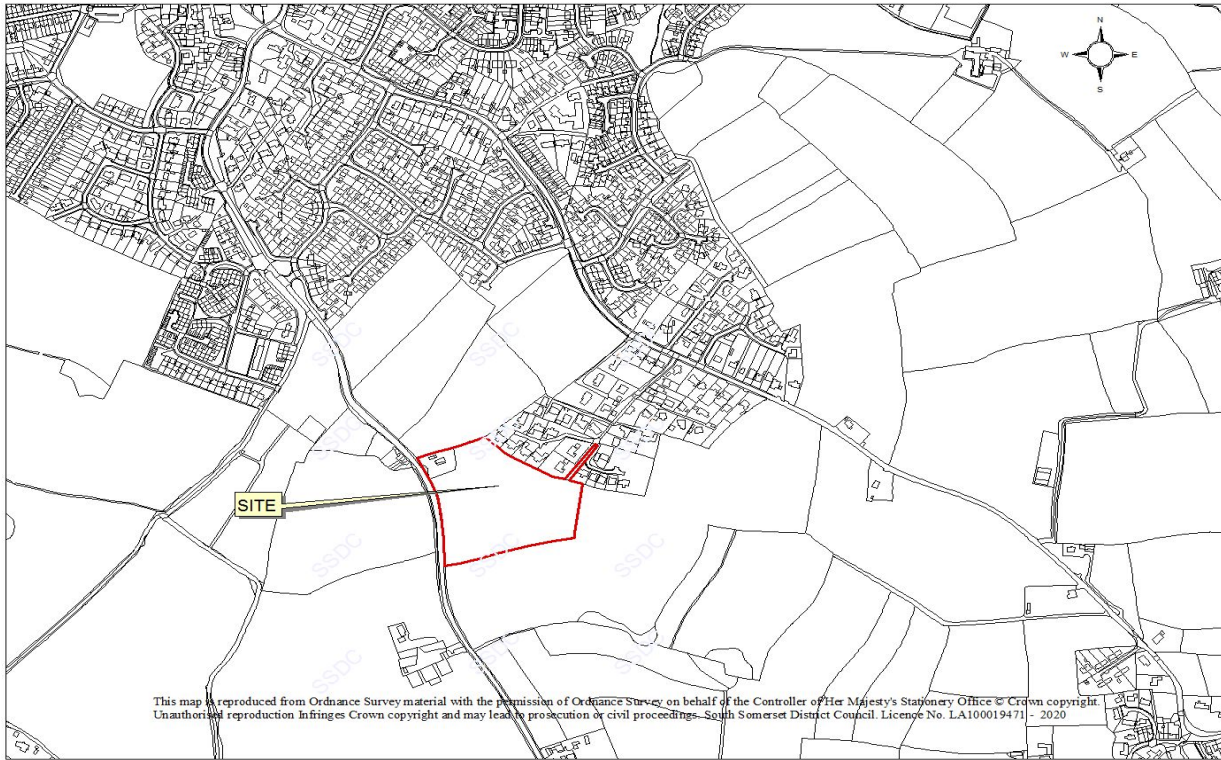
REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee by the Ward Member with the agreement of the Area Chair to allow discussion of the planning issues.

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 has an area of 3.05ha and is located on the south eastern edge of the town of Chard. The site is bounded to the east by existing residential development (Holbear) and to the north and south by sites which have planning permission or are subject to a planning application for residential

development.

The site is bounded by hedgerows and slopes gently downwards from the north western corner towards the south eastern boundary. There is an existing bungalow in the north west of the site which will be demolished to facilitate the proposed development.

The A358 runs north/south along the site and is one of the main routes connecting the town with the surrounding area. There is a mature hedgerow along the entire site boundary.

PROPOSAL

This full application proposes a residential development of 94 dwellings and includes a mix of 1, 2, 3 and 4 bed two-storey dwellings. Following the submission of a Viability Assessment, it has been determined that the development can provide 25% of the dwellings as affordable units (16 social rent and 8 shared ownership).

Vehicular access from Tatworth Road will be provided via a new T junction. Pedestrian access will be provided from the site to the existing residential development known as Holbear to the north east, and new links are proposed to the planned residential developments to the north and south.

A total of 234 car parking spaces are proposed and cycle parking is provided for all dwellings either within garages or secure cycle parking for properties without garages.

The existing mature boundary hedgerow will be maintained save for a small section to provide the vehicular access and pedestrian links into the adjacent sites. Additional native hedgerow is proposed together with new tree and shrub planting. An area of public open space is proposed in the south east corner incorporating a soakaway pond with shallow sides.

The application is supported by:

- Planning Statement
- Design & Access Statement;
- Transport Assessment;
- Ecological Appraisal;
- Archaeological Desk Based Assessment;
- Statement of Community Involvement;
- Ground Investigation; and
- Flood Risk Assessment.

HISTORY

No recent planning history for the site.

91702 - OUTLINE: Development of land for residential purposes, formation of vehicular access. Refused 1972

740320 - OUTLINE: Proposed residential development of land at Tatworth Road, Chard. Refused 1974.

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 (Adopted 2015)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA3 - Sustainable Travel at Chard and Yeovil

TA4 - Travel Plans

TA5 - Transport Impact of New development

TA6 - Parking Standards

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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

Relevant Policy Material Considerations

National Planning Policy Framework

2. Achieving sustainable development

4. Decision-making

5. Delivering a sufficient supply of homes

8. Promoting healthy and safe communities

9. Promoting sustainable transport

11. Making effective use of land

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change 44

15. Conserving and enhancing the natural environment 49

National Design Guide (NDG)

The National Design Guide is a material consideration when making planning decisions, and sets out how well designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

Chard Regeneration Plan (2010)

Sets out indicative designs and principles for the identified areas for development. The application site is identified for residential development at a density of 30 - 40 dwellings per hectare.

Chard Implementation Plan (2010)

Sets out a phased approach to the development of the area. The site is identified as being within Phase 3 of 5. The document states that the level of growth would represent a significant level of change to the town if implemented in full. However, the masterplan needs to allow for the possibility that not all phases will be implemented. Each Phase that comes forward needs to make sense in spatial and design terms. If a development phase comes forward out of sequence it will be the responsibility of the developer to demonstrate how it is compatible with the phasing principles and ensure an orderly provision of infrastructure.

(Note: In October 2019 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) In relation to decision taking is engaged, this states:-

"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."*

Footnote 7 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Chard Town Council:

'RESOLVED - *That this application should be refused. The cumulative impact of three ongoing large developments should be considered including community safety, lack of infrastructure and the impact on the adjoining area with regards traffic. There should be no pedestrian access and there are concerns regarding density. Developers should also be seeking to include car charging points for electric vehicles in their plans.'*

Tatworth and Forton Parish Council (directly adjoining Parish):

'Resolved *that the Parish Council's objections should mirror those cited by Chard Town Council which were: That this application should be refused. The cumulative impact of three ongoing large development should be considered including community safety, lack of infrastructure and the impact on the adjoining area with regards to traffic. There should be no pedestrian access and there are concerns regarding density. Developers should also be seeking to include car charging points for electric vehicles in their plans. The Council also noted that the application ignored any reference to infra-structure that would be required such as School-Doctor's Surgery and a contribution to new roads.'*

County Highway Authority:

Initially raised concerns about the extent of the transport assessment and some of the data submitted. In their second response they advise:

'Further to the comments previously submitted, additional information has been provided and this Authority has the following observations on the highway and transportation aspects of this proposal:-

Our initial concerns covered the full extent of the submitted information within the Transport Assessment. In discussion the following information has been confirmed;

- Through initial scoping, the extent of the highway network and junctions to be assessed was agreed, and this included the following junctions:*
- Site access / A358 Tatworth Road*
- A358 Tatworth Road / B3162 Forton Road*

- *A358 Church Street / Holyrood Street*
- *A358 Millfield mini roundabout*
- *A358 / A30 Fore Street signalised junction*
- *The assessment subsequently undertaken in the Transport Assessment was in line with that agreement.*
- *The modelling shows that the Crowshute link is expected to have 14 two-way movements in the AM peak and 13 in the PM peak which is within the day to day variation expected on this link and is not considered to have a significant impact on the functioning of the network.*
- *The variance in the peak hours recorded and modelled is consistent with adjacent sites.*
- *The ARCADY model for the Millfield junction has been checked and verified. The arms had been incorrectly labelled, however this does not alter the overall conclusions about the impact of the development at the junction presented in the TA report.*
- *The model for the Convent Junction did not raise concerns for other similar data submitted for adjacent sites and therefore the assessment is consistent.'*

The County Highway Authority recommend that conditions in relation to; Construction Environmental Management Plan; access details; surface water; estate details; parking provision; travel plan; and visibility are imposed.

Ecologist:

Advises:

'An Ecological Impact Assessment of the application was carried out by Green Ecology and reported in January 2019. The application site comprised a sheep grazed, improved neutral grassland field bound by species-poor hedgerows, with narrow field margins. A prefabricated bungalow and lawned garden with scattered trees occur in the north-western corner, backed by a line of trees. The loss of grassland is unavoidable although an area of open space is to be created in the south-eastern portion of the Site. This will be managed to provide a mosaic of habitats and coupled with the planting of species-rich grassland mixes along road verges and in open areas to the front of properties along the western boundary, will ensure a net-gain in biodiversity.'

The ecologist recommends the imposition of conditions in relation to; Landscape and Ecological Management Plan; provision of Natural England licences; bat protection; lighting details; hedgerow removal; reptile protection; and biodiversity enhancement.

Natural England:

No objection.

Somerset Wildlife Trust:

'We have noted the Planning Application and the supporting Environmental Impact Assessment provided by Green Ecology. We would fully support the proposals of Mitigation and Enhancement as outlined in Table 2 and Section 8 of the EIA. All of these measures must be included in the Planning Conditions if it is decided to grant Planning Permission.'

Open Spaces Officer:

'The plans provided on the 'Site Layout' identifies approx. 0.30ha of useable Public Open Space (POS), an amount less than the required 0.36 ha for a development of this size.

Whilst we are encouraged by the green entrance to the site, and we understand the topography narrates that the best location for the attenuation basin is to the east of the site, we would prefer to see some of the POS in a more centrally located position making it equally accessible by all residents as well as helping to break up the built form. Creating a village green style area in the centre of the site would not only address these comments but will also allow to make up the shortfall of open space as detailed

above.'

Housing Officer:

The Housing Team have considered the plans in light of the changes brought about by the viability appraisal and have agreed to the proposed number and size of units.

Environmental Health Officer:

No comments.

Senior Historic Environment Officer, South West Heritage Trust:

'There is potential for archaeology on the site but it doesn't appear that any remains likely will be of such significance that it would preclude development. Therefore it is advised that a condition be attached to ensure archaeological survey takes place prior to development.'

Designing Our Crime Officer:

Objects to the current format for the following reasons:

- A very large percentage of domestic dwelling burglaries occur through the rear of properties and as such easy access to the rear us to be avoided. Please supply garden gates as close to the front elevation is practicable to the following units: - 13/14, 22/23, 35/35, 36/38, 38, 44/45, 46/47, 74/75, 76/77, 78/79, 83/84/85.
- I query the need for a footpath adjacent to unit 81/82 to the hedgerow, could this not be incorporated into the garden access with the gate at the front?
- Unit 83 has a blank elevation end adjacent to a footpath. Please allow for a 600mil hedge (as Unit 21) to avoid loitering, ball games and graffiti
- Please provide a bollard/bollards on the footpath between units 72/73 & 24/25 to prevent unauthorised use such as mopeds.

(Officer note: Conditions can be imposed to address these comments.)

Local Lead Flood Authority:

'The developer is proposing to use an infiltration based scheme for the management of surface water runoff. This is generally considered to be the most sustainable means of drainage in terms of the SUDS hierarchy and we welcome the approach. However, as the scheme develops into detailed design stage, we would expect to see opportunities to include source control features where appropriate and perhaps a range of other smaller SUDS features throughout the site, which would prevent concentration on the eastern boundary of the site. The developer has included a bund to account for surface exceedance flows, but should also account for any potential waterlogging/seepage in this area in extreme events - the site is adjacent to existing properties/gardens.'

They recommend the imposition of a detailed drainage condition that requires the submission of details including; drainage rates and volumes; flood exceed routes; and a management and maintenance plan.

County Education:

Advise:

'94 dwellings in this location would generate the following number of pupils for each education level:

0.05 x 94 = 4.7 (5 pupils for early years)

0.32 x 94 = 30.01 (31 pupils for primary education)

0.14 x 94 = 13.16 (14 pupils for secondary)

There is no current need for nursery/early years provision in Chard, however, the primary schools and secondary will each reach capacity due to the new housing.

The current cost to build for primary is £17,074 and secondary is £24,861 therefore the education contribution required from this development is as follows:

Primary 31 x 17,074 = £529,294
Secondary 14 x 24,861 = £348,054

There is an identified need for a new primary school in Chard so the Primary figure will contribute to the cost of that project. Holyrood secondary school also have feasibility studies underway to achieve the required expansion projects there, so the secondary costs will go towards the project at Holyrood.'

Somerset Waste Partnership

- *Plots 83,84,85 have a path running along the front it would be useful to have direct access to empty them from Tatworth Road to minimise the amount of bins potentially being left out between collections (and consequently attracting other waste to be left there).*
- *Plots 80-82 there needs to be enough room for 4 bins plus associated recycling. I appreciate this is down a private road so the collection point is away from the properties. This will need to be clearly marked as a collection point only for the particular plots and not a storage point as these can easily slide into mis-use. Waste collection always works better when containers are outside the property for collection as it gives a stronger sense of responsibility on the householder.*
- *It would be useful to know if the shared surfaces are to be adopted.'*

Sport and Play Officer

Have calculated:

Equipped play - off site	£76,392
Commuted sum	£44,125
Youth Facilities - off site	£15,000
Commuted sum	£5,546
Playing pitches	£36,569
Commuted sum	£22,197
Changing room provision - off site	£66,847
Commuted sum	£5,378
Overall contribution total	£272,053
1% Locality Service Administration Fee	£2,721
Overall Level of Planning Obligation to be Sought	£274,774
Overall contribution Per Dwelling	£2,923

REPRESENTATIONS

37 residential properties were notified of the application, a site notice was displayed and an advert was placed in the local newspaper to advertise the application.

16 letters of objection and a letter of representation have been received in response to the application.

The comments of the objectors are summarised as follows:

- The proposals is for too high a density of housing and is not in keeping with the scale and character of the area.
- There is inadequate infrastructure to cope with the proposed levels of residential development in Chard.
- The exit onto the A358 will be very dangerous.
- Loss of visual amenity
- Impact on privacy through overlooking, loss of light

- Increased traffic, road network is not capable of dealing with increase from all the proposed developments
- Proposal should be viewed jointly with the other housing developments in the area for 550 homes
- Object to footpath into Holbear, query rights of access as it is a private road
- Local amenities such as doctors, dentists, schools are not able to cope with increased demand
- There are insufficient employment opportunities
- It will be long walk to services
- Increased noise and disturbance
- Increased risk of crime
- Query the need for additional housing
- Concerned about disruption and noise from construction
- Concerned about use of Holbear by pedestrians and cyclists
- Lack of solar heating and electric car points
- Drainage is a concern
- Light pollution
- Impact on wildlife

The letter of representation queries maintenance of the track to Holbear and requests fencing to screen properties from the track.

CONSIDERATIONS

Principle of Development

Chard is identified as a Primary Market Town within the South Somerset Local Plan and as such plays a significant role in delivering the district's required growth through until 2028 and beyond. Historically, the growth of Chard has been problematic, due primarily to a requirement to provide a distributor road in its entirety from the Tatworth Road through to the northern section of the Furnham Road in the area of the Chard Business Park. Due to an historic significant lack of progress the District Council worked with relevant bodies and the community to produce the Chard Regeneration Plan. This document identified that the previous requirement to secure a relief road in its entirety right from the outset was unrealistic. In lieu of this requirement the Implementation Plan advocated an approach that would allow different parcels of land to be developed individually provided that they included the required infrastructure for their scheme and didn't prejudice the development of other parcels within the growth area.

This site is located wholly within part of the larger Chard strategic growth area. Therefore, the principle of development is acceptable.

Chard Regeneration Plan

Members will be aware that delivery of the various sites within the Chard Regeneration Plan is based on 3 broad growth phases over the plan period and beyond. Phasing of the sites is based on the need to incrementally increase the capacity of the highways infrastructure to accommodate the traffic flows as the town grows. The application site is included in phase 3 of the Chard Plan.

The site, if approved, would come forward earlier than the Chard plan proposes under its phased recommendations. The Chard Plan advises that this site would come forward once the sites to the north have been implemented with their respective sections of the main spine road in place. The Chard Plan does also advise that sites can come forward out of sequence but must not prejudice the delivery of other sites from coming forward. In this case, delivery of the current application site would not physically prevent other sites to the north from coming forward. However, if permission were to be granted for this site, there is a risk that with this and the adjacent sites to the west the build out /sales would take a number of years with no other development coming forward providing the new highway infrastructure that the town needs. It is noted that it was considered acceptable for the site immediately to the north

(being developed by Keir) to proceed out of sequence as it would not be detrimental to the delivery of the Chard Plan and Chard as a whole. It is accepted in the Chard Plan that there will be some short term pain before longer term gain before full completion of the new highway infrastructure.

Notwithstanding the aims and objectives of the Chard plan, from a district wide housing position, the Council is not currently able to demonstrate a deliverable 5 year housing supply. Therefore, from a housing point of view, the grant of full permission and subsequent delivery of this site will make a very valuable contribution towards meeting the Council's housing requirements, including much needed affordable housing. From a Chard perspective, housing delivery has been much slower than anticipated in the Local Plan and, therefore, this scheme would make a positive contribution towards the town's housing needs.

Highway Issues

A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and additional information has been submitted at their request to ensure appropriate consideration of the impacts of the development upon junctions within the town.

As outlined above in this report, the Highway Authority have not raised an objection to the development. The development trip generation analysis shows that the site could be expected to generate approximately one movement every 90 seconds during the busiest times of the day. This limited level of additional traffic is within the natural day to day variation in traffic flow along the A358, and therefore is unlikely to cause a noticeable impact for drivers using the route. Capacity modelling of junctions along the A358 into Chard shows that the development traffic is unlikely to cause a noticeable impact on junction operation.

In terms of the actual access arrangements, the County Highway Authority have agreed that the proposed access is acceptable in highway safety terms subject to the imposition of appropriate highways conditions including the required visibility splays at the access.

Therefore, on the basis that the Highway Authority have not objected, it is considered that the overall impact on the local highway network could not be considered severe, and is therefore acceptable at this location given the requirements of paragraphs 108 and 109 of the NPPF.

Residential Amenity

Objections to the scheme have been received in regard to the harmful impact that the proposed dwellings along the northeast boundary would have upon the amenity of those existing adjacent residents in Holbear. It is clear that the properties along this boundary would be subject to a significant change in their outlook given that they currently adjoin an undeveloped field. It is however noted that the land to the north is also currently being developed by Keir (200 homes) so there has already been a change to the surrounding environs. It is felt that whilst there will be an impact upon these properties, the proposed dwellings have been designed in the main to be 'end on' to the existing houses and as such there will be no direct overlooking. Whilst there will be some loss of light to the rear gardens of the existing properties it is not considered that it would be of such significance as to justify refusal of the application on such grounds.

Density, Visual Amenity, Scale and Character

Concern has been raised that the density of the scheme is too high for the site and not in character with adjacent development. The density is 31 dwellings per hectare which is in line with the Chard Plan which suggests a density of 30-40 on the southern section. Whilst it is recognised that the density is higher than the adjoining Holbear development, this is much older development where plots are larger, with the current demand for housing it is no longer possible to require such a low density. On this basis, and with the lack of objection from any statutory consultees on the density, it is not considered that the density is significantly adverse to warrant refusal.

In terms of visual amenity, the site will clearly change in character but it is important to note that it sits between two larger sites that form part of the allocated residential sites shown in the Chard Plan. The proposals are for traditionally designed two storey dwellings and are considered to be appropriate to the character of the area. Conditions can be imposed to require details of materials and finishes to be submitted for agreement to ensure that they respect the character of the area.

In the circumstances, the proposal are considered to be acceptable in relation to density, visual amenity and the scale and character of the area.

Affordable Housing

The scheme makes provision for 24 affordable housing units (16 social rent and 8 shared ownership) representing 25% of the overall development. This is 10% less than required to meet the Council's policy of 35% affordable housing. However, the viability of the site has been assessed by the District Valuer who has found that the site can only provide 25% as affordable units and continue to provide the required s106 contributions towards sports facilities and education. The Housing Team have examined the proposed changes to the affordable housing and advised that they are acceptable.

Ecology

The Council's Ecologist has carefully reviewed the submitted ecological report and supports the recommended mitigation measures contained within that report. The ecologist has no objection to the proposal subject to the imposition of conditions in regard to; Landscape and Ecological Management Plan; provision of Natural England licences; bat protection; lighting details; hedgerow removal; reptile protection; and biodiversity enhancement.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. The LLFA have thoroughly considered the proposals for surface water drainage and has no objections subject to the imposition of a detailed condition to require drainage details before commencement of work at the site. As such, it is not considered that the proposal could reasonably be refused on the grounds of flooding/drainage issues.

Play and Sports Facilities

Due to the provision of sports and play facilities on the larger sites to the north and south it has been agreed that there is no requirement for the provision of a LEAP upon this site. However, it has required an increased contribution towards off site provision and as such an additional £50,000 is proposed, giving a total contribution of £324,774.

Open Space/Landscape

The development proposes areas of green space throughout the development with a tree lined entrance to the site and additional trees spread throughout the site. Whilst the proposal is slightly underprovided for in terms of open space and the location has been question it has been agreed that due to the topology of the site, the open space is best located in the south-eastern corner. The northern boundary partly adjoins the proposed open space for the site to the north with a pedestrian link proposed to this site. As such it is not considered that the proposal could reasonably be refused on the small under provision of open space.

Concerns of Local Resident

The detailed concerns of local resident have been carefully considered and the main issues are dealt with in the report above. However, the following additional points can be addressed:

Capacity of existing infrastructure - It is important to recognise that this site forms part of allocated site for housing. There is no objection from any Statutory Consultee and the County Education Team have provide details of the contributions that should be sought for the additional school places that will be created.

Footpath through Holbear - It is considered important that the site has good pedestrian connections to the developments surrounding it and the town centre to prevent it from being an insular community. It is not considered that the creation of a pedestrian/cycle link would result in an acceptable impact upon the residents of Holbear.

Walking distance to services - The site is considered to be a sustainable location within acceptable walking distance of many services including schools, shops, doctor's surgery etc. within a 15-20 minute walk from the site.

Noise and disturbance - It is accepted that the proposal will result in additional noise and disturbance once constructed. However, this will be the generalised noise associated with a residential development and it is not considered that this would be unacceptable or result in such a loss of amenity as to justify refusal of the application.

Noise and disruption for construction works - It is accepted that there will be some temporary disruption during the course of works. A Construction Environmental Management Plan can be required via a condition to ensure that appropriate restrictions are imposed with regard to work hours and delivery times.

Risk of crime - It is not considered that the erection of dwellings should lead to an increase in crime and it would not be appropriate to refuse the application on this basis.

Solar heating/electric car points - The development will be subject to the Part L of the Building Regulations which relate to the conservation of fuel and power. A condition can be imposed to require the installation of electric charging points.

SECTION 106 PLANNING OBLIGATION

If the application is approved it will be necessary to seek the prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) to cover the following terms/issues:

- 1) The provision of 25% affordable housing with a split of 16 social rent and 8 shared ownership units;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan and all works which affect land covered by highway rights; and
- 5) Provision and maintenance of open space.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

CIL is a fixed levy that Councils can charge on new developments to fund infrastructure needed to support development. For viability reasons, CIL is not charged on the Chard Eastern Regeneration sites.

CONCLUSION

This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The site is in a sustainable location within reasonable distance of the town centre accessible by foot and bicycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted 2015), the aims and objectives of the NPPF and the Chard Regeneration Plan.

RECOMMENDATION

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 to cover the following terms/issues:

- 1) The provision of 25% affordable housing with a split of 16 social rent and 8 shared ownership units;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan and all works which affect land covered by highway rights; and
- 5) Provision and maintenance of open space.

The permission to be subject to the following:

01. This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The site is in a sustainable location within reasonable distance of the town centre accessible by foot and bicycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted 2015), the aims and objectives of the NPPF and the Chard Regeneration Plan.

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:

Drawing Register dated 15/05/2020 by Thrive Architects (SW) Ltd.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) details of the design, materials and external finish for all external doors, windows, boarding, lintels and openings;
- c) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- d) details of the surface material for the parking and turning areas;
- e) details of boundary details (new and existing, to include consideration of the advice of the Designing Out Crime Officer dated 20/05/2019)

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a scheme showing a network of cycleway and footpath connections (to include bollards to prevent vehicular access) has been submitted to and approved in writing by the Local Planning Authority. Before the new development is brought into use, the agreed pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with the approved scheme.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

05. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'Outline Master Plan' (Drawing No. SPP.3053.001 Rev D), unless otherwise agreed in writing by the Local Planning Authority. 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 any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006 and the provisions of the National Planning Policy Framework.

06. Prior to commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme to protect retained trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved tree/hedge protection requirements shall remain implemented in their entirety for the duration of the construction of the approved development (inclusive of hard and soft landscaping operations) and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

07. All garaging, parking and turning spaces shall be provided, laid out, surfaced, drained and (where appropriate) delineated in accordance with Drawing No. SL.01 Rev E prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes and they shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of

and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided in accordance with details indicating siting and numbers of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. 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.

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

10. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number SL01 rev A, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

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

11. 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 occupation and thereafter maintained at all times.

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

12. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. The new development shall not be commenced until a detailed Travel Plan 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 as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan 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: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

15. There shall be no obstruction to visibility greater than 600 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 70 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

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

16. Prior to the first occupation of any dwelling, a lighting design for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management. [biodiversity enhancements including]
 - d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

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

Reason: In the interests of the maintenance and enhancement of biodiversity generally, and in accordance with the National Planning Policy Framework and policy EQ4 of the South Somerset Local Plan

18. Works to the dwelling at the north-west corner of the development site shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that works to the dwelling will require a licence.

Reason: In the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

19. Works to the dwelling in the north-west corner of the development site shall not commence until:
- a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. A letter confirming the induction will be submitted to the local planning authority by the licensed bat ecologist.
 - b) Two Schwegler bat boxes, to accommodate any discovered bat(s), are hung on a suitable trees on the northern boundary at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the local planning authority

Reason: In the interests of ensuring the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan

20. Unless modified by Natural England licence, two Habitat 001 bat box (or similar) will be built into fabric, under the eaves and away from windows, of the westerly elevations of the row of terrace houses numbered 75 to 78. Photographs of the installed roost will be submitted to the Local Planning Authority prior to completion of construction work

Reason: in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to

protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan

22. Any vegetation within the construction area should be initially hand-strimmed or cut down to a height of 10cm above ground level. Additionally, any brash piles or cuttings should be removed from the site in phases; beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape. Clearance can occur at a maximum rate of 2ha per day, immediately followed by a 48 hour dispersal period which will occur during warm suitable weather (limited rain and wind, with temperatures of 10°C or above) to encourage any protected species that may be present in the vegetation to disperse to the surrounding habitats. After the 48 hour dispersal period, a further 2ha will then be cleared. This process will then be repeated until the site clearance is completed. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as muck heaps which potentially afford resting places for reptiles will be dismantled by hand supervised by a competent ecologist in April or August to October and any individuals found translocated. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and s41 priority species and in accordance policy EQ4 of the South Somerset Local Plan

23. The following will be installed into or on to new dwellings:
- a) Clusters of four Schwegler 1a swift bricks or similar not less than 60cm apart will be built into the wall in northern gable ends and away from windows at least 5m above ground level in five dwellings
 - b) One Schwegler 1SP Sparrow terraces or similar under the eaves and away from windows of north elevations of twenty dwellings
 - c) One bee brick built into the wall about 1 metre above ground level on the south elevation of twenty five dwellings.
- Drawings showing the installed features will be submitted to and approved by the local planning authority prior to the commencement of construction works

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

24. All ecological measures and/or works shall be carried out in accordance with the details contained in Appendix 8 of the Ecological Survey (Richard Green Ecology, dated 26 February 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Written notification of the actions and findings of the method statement will be submitted to the Local Planning Authority by the licensed ecologist at the completion of each stage of the operation.

Reason: In the interests of the strict protection of a European protected species and in accordance with policy EQ4 of the South Somerset Local Plan

25. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and

approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure the proper recording of archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained in the NPPF.

26. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles and in accordance with the submitted Flood Risk Assessment (undertaken by AWP dated 29th March 2019) 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 details shall include:

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water, and the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (2019) and the Technical Guidance to the National Planning Policy Framework.

Informatives:

01. The developers attention is drawn to the associated s106 agreement dated */**.
02. The developers attention is drawn to the comments of the Somerset Waste Partnership dated 18/03/2020.
03. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy.

CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to

avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

Agenda Item 9

Stop Line Way Progress Report

Director: Netta Meadows, Director of Service Delivery
Manager / Lead Specialist: Tim Cook, Locality Team Manager
Lead Officer: Adrian Moore, Locality Officer
Contact Details: adrian.moore@southsomerset.gov.uk or 01935 462409

Purpose of the Report

To update members on the progress of Stop Line Way.

Recommendation

Councillors are asked to note the report.

Background

The Stop Line Way (SLW) is the Sustrans Route 33 long Distance coast-to-coast walking and cycling route, which in parts is suitable for wheelchairs and pushchairs. The cycle route is 75 miles long and partly follows the 'Taunton Stop Line' built by the Army in 1940 to contain any enemy invasion of the South West. These defences ran for 50 miles, from Burnham, Somerset on the Bristol Channel to Seaton on the South Coast of Devon. Canals, railways and rivers were made into continuous anti-tank obstacles with roadblocks and over 380 concrete pillboxes. We are most familiar with the section of the SLW that runs through South Somerset from Ilminster to Chard that largely follows the track of the old Great Western Railway. It runs through the flood plain of The River Isle alongside remains of the Chard Canal and past Chard Reservoir with views of the eastern flanks of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). This part of the SLW route is well defined and enables residents, including elderly and disabled members of the community to confidently access the countryside for leisure. It also acts as a safe, green commuter route for residents to be able to walk, cycle and use mobility vehicles to get to their schools, work, local shops and services.

As the SLW continues southwards towards Axminster in Devon it follows a rather complicated and vague route on paths and roads through industrial estates and residential areas, which is not very easy to follow due to poor signage.

It is the ambition of this project to improve the SLW route while working with developers by enabling the SLW to continue along the old Great Western Railway route and other designated routes where possible towards Devon.

Strategic Context

In considering the SLW in relation to Chard, it is important to highlight that the implementation of the Chard Regeneration Plan is underway. Positive links have been made with the Chard Regeneration Programme and there are strong links between this and other SSDC initiatives in Chard.

In addition, the District Council has been successful in securing an allocation of grant aid from the national Heritage Action Zone initiative which will provide funding for building improvements and public realm works within Chard town centre, as part of the government's move to improve High Streets across the country.

The proposed improvement to the SLW within the more countryside parts of the local area, therefore very much supports and is complementary to these other important regeneration and environmental improvement initiatives within Chard town centre, being led by the District Council.

It is also important to consider how the project fits within the overall development framework for Chard as set out in the adopted South Somerset Local Plan, with relevant extracts included below:

South Somerset Local Plan - Chard - Strategic Growth Extract - Page 70 -73

7.21 The Chard Regeneration Plan⁹⁶ presented 4 options for the future growth of Chard. Option 3 (Chard Eastern Development Area - CEDA) has been chosen as the most appropriate location for the strategic growth. This option presents the benefits of large scale growth, associated community and highway infrastructure and regeneration without the emerging dis-benefits of undue traffic congestion and pollution. The strategic growth area provides a scale of growth that will enable Chard to achieve and maximise its need for employment, housing, retail and associated amenities as well as improved highway infrastructure. The strategic growth for Chard will be delivered within and beyond the plan period as part of a cohesive plan to regenerate the town and achieve build out. The number of homes expected to come forward within the plan period reflects market deliverability.

7.22 In summary the growth proposals include:

- Approximately 2,716 dwellings (within and beyond the plan period)⁹⁷*
- 17.14 hectares of employment land of which 13 ha is included in existing commitments within the strategic growth area;*
- 2 new primary schools (within and beyond the plan period);*
- 4 neighbourhood centres (Avishayes, Stop Line Slopes, Millfield and Holbear - within and beyond the plan period);*
- Highway infrastructure and improvements; and Sports and open space provision*

These aspirations are then reflected in Local Plan Policy PMT1, as follows and are illustrated on the plan illustrating the allocation of sites on the eastern fringes on Chard included in the Local Plan, also set out below:

POLICY PMT1: CHARD STRATEGIC GROWTH AREA

Land at Chard is allocated for strategic growth to provide the following within the plan period and beyond:

- At least 2,716 dwellings;
- Approximately 13 hectares of employment land;
- 2 new primary schools;
- 4 neighbourhood centres (Avishayes, Stop Line Slopes, Millfields and Holbear);
- Highway infrastructure and improvements;
- Sports and open space provision.

Figure 5: Chard Strategic Growth Area⁹⁸



The Local Plan also addresses Walking and Cycling in the Chard area and includes the following sections:

Walking and Cycling

7.34 Chard is a compact settlement with an existing centre offering access to local services, facilities, education and jobs within walking and cycle distance thresholds of the main residential areas. However, the impermeable layout of residential areas currently serves to discourage walking and cycling.

7.35 The CEDA will require strong sustainable transport connections with the centre if it is to be fully integrated as an extension to the existing settlement form. It is important therefore to ensure that journeys on foot or by bike are attractive in comparison to car journeys, and contribute to, and form part of a coherent network of attractive-to-use pedestrian and cycle routes. With linkages, further increases in levels of cycling should be achievable.

7.36 In residential areas new homes should be designed to make cycle storage secure and convenient and there should be adequate levels of cycle parking at retail and employment areas. Cycle parking at the main public transport nodes should also be provided.

It is very clear from the above Local Plan statements therefore that the Plan envisages that new development on the eastern edge of Chard will be used to help develop, enhance and expand cycleway and walking routes. The Stop Line Way, as an existing route therefore has the potential to act as a catalyst to initiate the development of further and improved links, associated with new development sites and proposals, which will help existing and new residents access both the town centre and wider countryside, in a much easier and more sustainable manner than at present.

Progress

As part of the South Somerset Environment Strategy SSDC are developing an Access Plan for Chard to encourage walking and cycling as part of the Chard Regeneration Programme.

In partnership with colleagues in the planning team, new discussions are underway with developers who own land allocated for housing and associated uses within the Chard Eastern Development Area. This will help ensure that joint working within SSDC will enable the SLW project to progress and develop through the provision of land for improved cycleway/walkways within development areas and/or financial contributions, as appropriate in each case. These talks therefore include aspirations to integrate the SLW within the delivery of new housing developments, together with new planned amenity and leisure spaces and highway infrastructure.

Development of the SLW project is supported by the Royal Agricultural University at Cirencester through the BSc (Hons) Countryside Management dissertation research undertaken by the Lead Officer. This is mutually beneficial as it enables support to be externally obtained, which draws upon other examples of similar projects elsewhere, as well as ensures that there is valuable 'critical friend' review of the approach being adopted towards achieving the planned improvements.

In Knowle St Giles a working group has been formed to develop a new 'All Ability Access Route' from a point further along Knowle Lane to gain easier access to the SLW, either on foot or bicycle or by mobility vehicle. This project is being undertaken by Knowle St Giles Parish Council with support from SSDC as access to the SLW from Knowle Lane is currently very prohibitive due to the presence of a very steep flight of inaccessible wooden steps. Local residents with bicycles undertake the difficult task of having to carry their bikes up and down these steps, which is virtually impossible with the more popular and heavier electric bikes. The same problem faces families with pushchairs and anyone with limited mobility or wheelchair users who cannot access the SLW at all. Planning permission has been granted for the construction of a 60metre tarmacked ramp which will require several hundred tonnes of material to be imported to create the correct slope for wheeled access.

Funding is being sought for this project which will include a request for SSDC Community Grant support from the Area West Committee, later in the year.

Conclusion

This is a positive time for the Stop Line Way in South Somerset. Following very recent discussions with developers it is evident that they are keen to move ahead with plans to fund and resource the delivery of the SLW route east of Chard through their new developments. Costings and plans are being drawn up by SSDC to assist the developers with this work.

Wider investigations are underway to try to access new Government funding to make further improvements to the SLW in South Somerset.

With the new popularity of families walking, running and cycling together following the recent government restrictions on our ability to travel and access open space, the need to improve the SLW has never been more prevalent. The SLW is a wonderful recreational resource to residents of South Somerset. It provides clean, green, sustainable leisure space with direct access to the rich biodiversity of the old railway line that links the landscape and gives access to the wider countryside.

Financial implications

None.

Council Plan Implications

Health and Communities - To build healthy, self-reliant, active communities we will:

- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities

Equality and Diversity Implications

The project aims to provide for people across all age and interest groups in the local community

Background papers: None

Agenda Item 10

Area West Committee Forward Plan

Director: Kirsty Larkins, Strategy and Commissioning
Agenda Co-ordinator: Jo Morris, Case Officer (Strategy and Commissioning)
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	Lead Officer(s) SSDC unless stated otherwise
August and quarterly thereafter	Area Chapter Update	Tim Cook, Locality Team Manager
September, December 2020	Chard Regeneration Scheme – quarterly update reports	Dan Bennett, Property and Development Project Manager
<i>TBC</i>	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
<i>TBC</i>	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
<i>TBC</i>	<i>Highways Update</i>	<i>Highway Authority</i>
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>TBC</i>
<i>TBC</i>	<i>Update on CIL contributions</i>	<i>TBC</i>

Agenda Item 11

Planning Appeals

Director: Netta Meadows, 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 Received

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

18/03939/OUT – The erection of 8 No. dwellings with all matters reserved except for access.
Location: Land OS 8332 Paulls Lane Broadway Ilminster Somerset
(Officer delegated decision)

18/03818/FUL - Erection of 5 No. dwellings
Chataway House Leach Road Chard TA20 1FR
(Officer delegated decision)

19/02023/FUL - Erection of a new three bedroom detached bungalow and double garage
Hillside Tower Lane Buckland St Mary Chard TA20 3TQ
(Officer delegated decision)

19/01541/ADV - The display of two non illuminated free standing directional signs.
Land Os 3963 Part (A30) West Of Snowdon Heights Chard Somerset TA20 1QX
(Officer delegated decision)

19/03158/HOU - Carrying out of alterations to form access, turning area and parking, and associated works.
65 South Street Crewkerne Somerset TA18 8DB
(Officer delegated decision)

Appeals Dismissed

19/00996/OUT - Erection of dwelling to the rear of Badgers Cross.
Badgers Cross Chinnock Huts Lane East Chinnock Yeovil BA22 9DH
(Officer delegated decision)

Appeals Allowed

18/01737/OUT - Outline application for residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road.
Land South Of KitHill Crewkerne Somerset
(Committee decision)

Background Papers – Decision notices attached.



Appeal Decision

Site visit made on 30 March 2020

by Mr S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Appeal Ref: APP/R3325/W/19/3240967

Land South of Kit Hill, Crewkerne, Somerset TA18 8HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Tizzard (Land Value Alliances LLP) against the decision of South Somerset District Council.
 - The application Ref 18/01737/OUT, dated 30 May 2018, was refused by notice dated 23 September 2019.
 - The development proposed is described as an '*Outline Planning Application for the residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road (all other matters reserved).*'
-

Decision

1. The appeal is allowed and outline planning permission is granted for the residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road, at Land South of Kit Hill, Crewkerne, Somerset TA18 8HJ, in accordance with the terms of the application, Ref 18/01737/OUT, dated 30 May 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Land Value Alliances LLP against South Somerset District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issue from the Council reasons for refusal is the effect of the development on highway safety and the suitability of Cathole Bridge Road to sustain traffic including that generated by the development.
4. Since the submission of the appeal there has been comments received from Network Rail with regards potential safety implications to both road users and those using a local public right of way (Ref: CH27/21) where there are crossings over the nearby railway line. Comments have been received by both main parties on this matter. Considering the importance of this matter I shall address this as part of the main issues in this Decision.

Procedural Matter

5. The appellant has submitted a revised site location plan (Revision A) and an amended Illustrative Masterplan (Revision E). This was due to small segments

of land at the southern boundary of the site being removed from the site area due to land ownership issues. Based on the relatively small area of land being removed and the minimal effect this has had on the illustrative layout, I have accepted these amended plans as I do not consider it likely that in doing so would prejudice any interested parties. The Council has raised no issues to these amended plans being accepted.

6. The appeal seeks outline permission with all matters reserved except for access. In so far as the submitted plans and drawings show details of matters other than the access, I have treated those as being purely illustrative.

Reasons

Highway Safety

7. The proposal is for a residential development on agricultural land to the southern edge of Crewkerne, adjacent to existing residential areas of this town. The access would be via a new junction off Lang Road. There is no objection from the Council with regards the general accessibility of the site location, in terms of proximity to public transport links, shops and services etc.
8. To the south and west of the site is the route of Cathole Bridge Road, which has a junction with Lang Road near the proposed site entrance. This long road which connects the village of Misterton (near Crewkerne Railway Station) to the east and with the B3165.
9. The introduction of up to 150 dwellings in this location would likely mean an increase of traffic along Cathole Bridge Road, especially as this road connects with the B3165 and on westward to the main Chard Road, which are apparent as significant routes in and out of Crewkerne to other larger settlements.
10. Currently, Cathole Bridge Road has the appearance of a typical rural road, being that its width varies and is not a continuous two-way highway as a result. The Council has stated that this restricted width would result in this highway being unsuitable for the additional levels of traffic they would anticipate. Furthermore, for these reasons the Council believe that the development would be prejudicial to highway safety. The Council have not raised any significant issue with traffic from the proposed development on any other local highway.
11. These conclusions of the Council were made following consideration of the proposed mitigation measures from the appellant, which included partial widening of Cathole Bridge Road, with new formalised passing places and priority sections, between the junction of Lang Road and the B3165.
12. There have been some revisions to the data and evidence through the course of the planning application process, though my focus is on the evidence now before me from the appellant and that which is put forward by WSP on behalf of the Council to counter this, and not on any superseded information.
13. Firstly, there is significant disagreement between the parties as to anticipated levels of traffic generated by the development onto Cathole Bridge Road, if the development is implemented as proposed. The Council's consultant (WSP) has included some reasons why they would anticipate much higher traffic usage from the site along Cathole Bridge Road. This includes that there is a constraint to traveling through the centre of Crewkerne, which Cathole Bridge Road

- generally avoids. Furthermore, they have criticised the appellant's figures for basing trip distribution analysis on journeys of less than 30 minutes, when some future occupants may commute further, for example.
14. It is likely that some would have regular trips in their cars from the site to destinations which would take more than 30 minutes. However, from the evidence before me there is little to suggest such additional traffic would result in significantly higher usage of Cathole Bridge Road than the appellant suggests. I am of the opinion that regular commuting trips to further destinations such as Exeter would not be common for new residents, to a level that would further increase the level of traffic along Cathole Bridge Road significantly.
 15. In terms of the distribution of trips from the site, I recognise that driving through the centre of the town may put off some drivers due to traffic congestion for example, if the centre of the town is not their final destination. However, there have been traffic counts and data from the nearby Maiden Beech development. This data from the similar nearby development reinforces the robustness of the appellant's conclusions that there would be a relatively low level of vehicle flow from Lang Road onto Cathole Bridge Road, with traffic mainly using other routes along Lang Road or Kithill.
 16. Furthermore, I also recognise that the rail level crossing could cause a delay for traffic traveling from the site in the direction of Misterton along Cathole Bridge Road, but this could discourage drivers from taking this route if there are alternatives, such as via Kithill. Also, the constraints of Cathole Bridge Road would likely influence some drivers decisions to avoid this highway to access or drive to or from the site, with the B3165 noted as also accessible via Lang Road without driving through the town centre.
 17. All the surveys undertaken by the appellant focussed on peak time traffic and not daily traffic levels. However, this takes into account the likely worst case scenario as to the level of traffic on this section of Cathole Bridge Road at any one time and so I do not have any concern with this approach. Much of the evidence regarding trip generation is related to commuter traffic which would usually be focussed at these AM and PM peak times. Therefore, if the evidence shows that there is no capacity or safety issue with the estimated additional traffic flows from the development at these peak times along Cathole Bridge Road, the situation should only be improved at other times of the day or night.
 18. In this regard, I am inclined to agree with the evidence provided by the appellant which shows a low level of traffic flow likely from the proposed development onto Cathole Bridge Road. There will be some variances with the traffic counts undertaken, but the focus of this assessment is the additional traffic that would be generated by the development along this section of the highway which I would regard as likely to be low, considering the alternatives available and the information from the counts.
 19. The Council has raised the matter of accident and collision data for Cathole Bridge Road. They state that between 2013 and 2019 there were recorded injury incidents. It is therefore clear there have been some collisions, though all mainly slight in severity.
 20. From their data, the Council has used the COBALT accident analysis software to determine an accident rate along Cathole Bridge Road. The appellant has

responded by questioning some of the inputted data into this software by the Council. Furthermore, the Council figure for potential future accident rates as a result of the development impacts is based on their much higher estimates of traffic distribution from the site onto Cathole Bridge Road. As stated above, I am inclined to agree with the estimates provided by the appellant on trip distribution, with a lower amount of traffic flow onto Cathole Bridge Road likely than the Council suggests, which should mean less chance of accidents on this highway.

21. In terms of accident rate projections, there are too many discrepancies with the data used for me to accept the high levels of anticipated accidents the Council are suggesting with their calculations as a likely scenario. Based on the accident history and all other evidence, I am not convinced that Cathole Bridge Road is a particularly dangerous highway. Proposed improvements to Cathole Bridge Road may also help to reduce the potential of future accidents along its route.
22. The appellant has included with their proposal significant improvements to Cathole Bridge Road including widening and new formalised passing places with priority sections, between the junction of Lang Road and the B3165 junction. These details have been shown on a plan. To my mind, these improvements would be necessary to make the scheme acceptable as there would be an increase in traffic as a result of the development along this stretch of road, albeit not to a significant degree. The road is narrow and well used and so these improvements would help the flow of traffic, including any from the development proposed.
23. The Council's consultant and other interested parties have questioned whether the improvements could be undertaken as proposed, taking into account the extent of the highway and gradient/topographical variances. However, I note there was no apparent objection from the Highway Authority to the proposed improvements, or any concern as to whether all the land involved would be highway controlled land. I also understand that the proposal was based on a topographical survey and so ground levels of the planned improvements should have been incorporated. There may be some cutting back or removal of vegetation on the verges, but I have no detailed evidence that suggests this would be a significant removal necessary to enhance this stretch of highway. Indeed, I have no substantive evidence that the proposed off-site highway works as improvements to Cathole Bridge Road cannot be implemented as proposed, or that they would not be to sufficient highway standard.
24. The Council has included estimates of possible further delays to traffic through Cathole Bridge Road due to increased traffic from the development and also the proposed works. I agree that there may be some more delays, but these are unlikely to be significant if the appellant's figures for traffic distribution are used for this calculation. Furthermore, it could be argued that any such delay would mean more traffic likely to use the alternative routes where there is also sufficient capacity, rather than Cathole Bridge Road.
25. There is some evidence of larger vehicles using Cathole Bridge Road, but from the surveys the levels of HGVs and similar using this route is relatively small. However, the proposed improvements to this highway should help larger vehicles pass through with less chance of difficult conflict scenarios with other highway users.

26. There has been mention of Cathole Bridge Road as a form of designated 'Quiet Lane'. However, from the information before me this road has no such designation, current or pending. As such I give this matter little weight.
27. However, I do note that this section of Cathole Bridge Road is adjacent to dwellings and their gardens. It is also a route which is likely to be used by pedestrians and cyclists. Regarding the use of Cathole Bridge Road for these modes of transport, I note there is no footpath along much of the section of this road near the site currently. People can walk or cycle along the highway, and this would not change much with the proposed improvements. Furthermore, from the evidence before me I consider it likely that traffic levels would not increase to a significant degree along Cathole Bridge Road as a result of the proposal. I also note that speeds recorded are generally quite low. This reflects my observations of traffic on this road when on site.
28. Overall, considering the likely low level of increased traffic from the proposed development using this route the proposal would not have a significant adverse impact above existing circumstances to the ability of those who wish to walk or cycle this section of Cathole Bridge Road near the site, or have any other discernible environmental impacts such as increased noise for example.
29. The Council has raised concern with the impact to safety to the Lyme Road B3165 junction with Cathole Bridge Road to the west of the site. I am aware of this junction and the visibility possible when using it. The Council suggests the junction needs to be improved for enhanced visibility. However, visibility splays are included with the proposed highway plan submitted by the appellant which appear sufficient. Furthermore, the appellant's estimated figures for additional traffic along this route would not be significant and unlikely to warrant junction upgrades over that shown on the submitted highway improvement plan. I have no substantive evidence before me that visibility enhancements over that shown on the appellant's plan are needed at this junction.
30. To conclude, with the proposed enhancements to Cathole Bridge Road the development would not result in severe highway network implications or unacceptable highway safety impacts. As such, the proposal is in accordance with policy TA5 of the South Somerset Local Plan (2015), which seeks to require development to ensure against compromising the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated, amongst other things. The proposal is also in accordance with the relevant policies within Section 9 of the National Planning Policy Framework, including that set out within paragraph 109.

Impact to railway crossings

31. To the south of the site Cathole Bridge Road crosses a trainline, with a vehicular crossing. The level crossing is referred to as an 'Automatic Half Barrier' (AHB), which is a relatively basic and unmanned crossing. There is also the 'Henley Public Footpath Level Crossing' allowing pedestrians to cross the railway line as part of a public right of way (PROW) footpath ref: CH27/21 which runs across the field southward from Cathole Bridge Road.
32. An initial response from Network Rail (NR) stated that the extra people living near the site as a result of the proposed housing would pose an unacceptable risk to 'Network Rail, Train Operators, Rail passengers and the public', with concerns relating to increased traffic across the AHB crossing and also the

- pedestrian crossing. However, following discussions between the appellant and NR, these objections have been removed by NR subject to mitigation.
33. For the AHB crossing, Network Rail have accepted the appellant's evidence that there would not be a significant increase in large vehicles using this crossing once the development is occupied. However, these parties have agreed to the need for a condition requiring a Construction Traffic Management Statement (CTMS), which would prevent use of this AHB crossing for construction vehicles. It is my view that a condition similar to this suggested is a pragmatic solution which would ensure against safety issues at this crossing during the construction phase, with alternative and more suitable routes available to the site for construction vehicles.
 34. However, there is still the issue of the public footpath crossing. Jointly, NR and the appellant have put forward a potential solution which the Council have raised no objection to. This would have the aim of ultimately diverting the foot path so it links with right of way No CH 33/66 and crosses the railway line at the AHB (on Cathole Bridge Road), and then links up again with its route south.
 35. A basic plan has been provided to show this intended diversion, which appears to be a practical solution and would allow the stopping up of the pedestrian crossing. I also understand that this would not involve any third-party land. I have no information before me that there would be any particular issues with such a diversion, with the Council stating that such a proposal would have a fair chance of succeeding.
 36. From the evidence provided, including both NR and the appellant stating that it is necessary to address this issue in the interest of public safety, then I accept that stopping up of the pedestrian crossing is required and necessary as a result of the proposed development and the significant amount of new residents this would bring to the area near to this footway and the crossing. Stopping up of the pedestrian crossing also appears to be the best solution given that physical measures to enhance safety at the crossing would rely on appropriate user behaviour, which cannot be guaranteed at all times.
 37. However, if this development were to be allowed there would need to be some control to ensure this stopping up of the pedestrian crossing happens before the dwellings are occupied. The submitted legal agreement does include a financial contribution to NR for this process, but there are no guarantees such an application to divert the right of way from the pedestrian crossing would be allowed. Whilst from the evidence I agree that it is likely to succeed, an application for a diversion of the right of way could be turned down for reasons not apparent with this appeal. As such, I conclude that a condition requiring the stopping up of the pedestrian crossing (which would necessitate the diversion of the public right of way) prior to the commencement of development of the proposed housing is necessary.
 38. Though the appellant has stated that such a condition would only need to require the stopping up of the pedestrian crossing prior to the occupation of the dwellings, this would open up the possibility of many houses being build whilst there was still some doubt over whether the right of way can be diverted. These houses would have to remain unoccupied for an indefinite time if there was a delay with stopping up of the pedestrian crossing, which I would not regard as being an appropriate scenario. As this is an issue of public safety being ensured to an acceptable level, I regard it as necessary for such a

condition to require the pedestrian crossing stopping up process to be completed and confirmed prior to the commencement of development. Whilst this may delay commencement on site, as this is such an important matter, I regard any such delay as necessary in the interests of public safety.

39. Furthermore, this condition only needs to require that the public footpath level crossing is stopped up. This would require the diversion or extinguishment of the public right of way, which would be a separate process, but for this proposed development to be acceptable the only requirement is for the pedestrian crossing to be stopped up. How this is arranged is for the appellant and other stakeholders to determine. However, based on the evidence before me now the stopping up of the pedestrian crossing is necessary and I would consider there is a likelihood it can succeed. Therefore, I have not used the relevant condition suggested by the appellant, with the two stages relating to whether the diversion order is confirmed. The condition I have included is simply for the footpath level crossing to be stopped up and not in use for the public prior to the commencement of development.
40. To fund the legal costs and any other costs in relation to the process of diversion of the footpath and stopping up of the pedestrian crossing there is a clause in the submitted legal agreement for the appellant to pay a sum of £78,000 to the Council, who in turn would give this to NR for them to undertake this process. However, I do not regard this as necessary to be included as a planning obligation or there to be a need to involve the Council in this process. What is necessary to make the development proposed to be acceptable is for the pedestrian footway across the railway line to be stopped up to prevent its future use. I understand that this will likely require a diversion of the public right of way, but this is for the developer to address in coordination with NR. I am also aware that if the Order is unopposed then such a sum of money would not be required by NR, with an estimated £50,000 of the total being for Counsel at a Public Inquiry for example, which may not be needed.
41. With use of such conditions as explained above, given the evidence, the proposed development would not result in increased safety issues for users of the highway railway crossing on Cathole Bridge Road or to pedestrians, including those users of public right of way (Ref: CH27/21). This accords with the policies TA5 of the South Somerset Local Plan and also those within the relevant sections of the National Planning Policy Framework (the Framework).

Other Matters

42. Interested parties have raised the issue of housing need, and whether the scale of housing development is necessary in the Crewkerne area. However, it is clear to me from the evidence provided that there is a housing need within the area, with mention also within the Council evidence that there has been a lack of delivery of housing schemes within Crewkerne. Furthermore, the site is immediately adjacent to the edge of this town, which from my observations has a good selection of shops and services with Crewkerne being identified by the Council as a Primary Market Town. On this basis there is a demand for housing in Crewkerne and this housing would be well served by the facilities in the town as well as being in an accessible location. I understand from correspondence received that there are few available doctors in the town with a limited health service, but there is no definitive evidence to suggest that this is a situation

that will remain for the long term. Furthermore, I note that the S106 legal agreement submitted includes provision for a large contribution towards local schools to help with capacity, following comments from the Council's Education Officers. Furthermore, I have no substantive evidence that there is a lack of employment within Crewkerne or the wider area for future occupants to potentially take up.

43. The development would be of a greenfield site and would therefore have a degree of visual impact over and above the existing undeveloped fields. However, from the evidence submitted, there would be open space remaining within the development boundaries and the housing would be set against the backdrop of primarily other existing housing. Furthermore, retention of existing landscaping where possible and the introduction of new planting would also help mitigate any visual impact of the development. On this basis I would consider any detrimental visual impact as minimal and would be outweighed by the benefit of providing new housing.
44. The proposed housing would likely be positioned in close proximity to some of the adjacent existing housing. However, this is an outline application with details of the houses design, scale and layout reserved for later consideration. As such, I see no reason why, given the size of the site, that the development cannot be implemented without unacceptably impacting upon the living conditions of neighbours to the site. I accept that the outlook from numerous dwellings adjacent to the site would likely be altered, but with a suitable layout and spacing, together with good levels of landscaping, the overall impact to outlook should not be unacceptably impacted. There may also be some effect to the value of neighbouring properties, but there is no substantive evidence as to what this may be and so I give this matter little weight.
45. There is some ecological value in the site, primarily with the existing hedgerows and the Kithill County Wildlife Site. As the Council has agreed, this can be addressed and impacts to the ecological value of the site sufficiently mitigated, through measures which are required in the submitted legal agreement. This appears to be in general accordance with the submitted Ecological Survey and the Council Ecologist comments.
46. As details of the internal layout and design are reserved matters then details of parking provision are not provided at this stage, but there is no reason for me to conclude that the development would provide insufficient parking provision, thereby not impacting on on-street provision on adjacent roads to any significant extent. Furthermore, there is no substantive evidence to suggest that the additional people living in Crewkerne as a result of the development would cause parking provision to be overwhelmed elsewhere within this town.
47. The site is in Flood Zone 1 and so does not have a high risk of flooding. From details submitted it is apparent that sustainable drainage can be used and that any form of flood risk can be sufficiently addressed. However, full details of drainage should be required by condition if approved.
48. There will be some disruption and disturbance to neighbouring occupiers to the site through much of the construction process. However, times for construction can be limited so noise and disturbance are kept to a minimum in unsociable hours particularly. Furthermore, the whole construction process would be a temporary phase and so would not be a long term issue.

Legal Agreement

49. A signed and dated Section 106 Agreement has been provided with the aim of ensuring the provision of 35% affordable housing as part of the development, a compensatory ecological habitat scheme with public open space and a locally equipped area of play (LEAP), with associated commuted sums for future maintenance and management where necessary. Furthermore, the Agreement includes contributions towards education (pre-school, primary and secondary school levels), footpath enhancements, youth facilities and playing pitch enhancements. The Agreement also provides the provision of a Travel Plan and the associated safeguard measures contributions and Travel Plan fee payable to the Council. There is also, under Schedule Nine, covenants between the appellant and County Council relating to highway works and includes the sum for the bond.
50. For the reasons given elsewhere in this decision, the 'Network Rail' obligation under Schedule Six of the submitted legal agreement is not a material consideration in deciding whether to grant planning permission, as I do not find that it is necessary to make the development acceptable in planning terms and therefore does not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
51. Similarly, as pointed out by the appellant that with regards the LEAP if the developer should deliver and maintain (such as through a management company) this facility then there should be no capital or commuted sums to be payable to the Council.
52. Apart from where explained above that an obligation should not be included, based on the submitted evidence I consider that the provisions of the agreement are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 56 of the Framework, the Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010.

Conditions

53. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. I have also taken into account the comments from the appellant regarding conditions. The conditions I have included from that recommended by the parties have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
54. I have attached the standard time limit conditions for an outline permission and a plans condition as this provides certainty. I have also added a condition to clarify what are the reserved matters.
55. I have not included a condition that requires all the reserved matters to be submitted "in the form of one application", as suggested by the Council, as I have no substantive justification provided for this.
56. To ensure that development is undertaken at suitable times of the day, thereby minimising the disturbance to neighbouring occupiers, a condition to limit the

- construction times with no construction at all on Sundays or Bank Holidays is added.
57. I have added a condition for a Construction Traffic Management Plan as initially suggested by the appellant and Network Rail. I have used much of the alternative wording that the Council suggested in their response, but have included the specific requirement that construction vehicles do not use a route which would mean having to cross the level crossing on Cathole Bridge Road as this is necessary in the interests of public safety. I have not included the reference to Network Rail necessarily having to be in agreement with the submitted Construction Traffic Management Plan but I acknowledge that the appellant and Council may want to consult Network Rail to ensure the Plan meets with its requirements.
58. The condition suggested by the Council requiring landscaping details has not been included as landscaping is a reserved matter and so will be addressed at that subsequent stage.
59. Due to potential archaeological resource in the area there is the need for a written scheme of investigation for the implementation of archaeological works which will need to be submitted to the Council. This is in the interests of safeguarding this resource.
60. There is a need to have full details of both foul and surface water drainage for the site, in the interests of ensuring a suitable drainage system and the avoidance of flood risk as a consequence of the development.
61. Final details of levels are required by condition in the interests of visual amenity and to safeguard living conditions of neighbours.
62. There are several highway based conditions included, such as those relating to preventing surface water flow onto the highway, the requirement to submit details of various aspects of the highway as part of the development, providing consolidated roads and footways, ensuring suitable driveway gradients, hard standing lengths to the front of driveways, and also a condition survey needed of the existing public highway to ensure against long term damage to the surrounding roads. All these are in the interests of highway safety and providing suitable access to and within the new development.
63. There is also a condition requiring that no development commences until final details of the off-site highway works along Cathole Bridge Road has been approved. This is necessary to improve the safety and capacity of this stretch of highway to manage the increase in traffic as a result of the development. Under Schedule Nine of the submitted S106 Legal Agreement there are set out covenants with the County Council regarding these highway works, but this condition is to ensure the agreement of the Local Planning Authority also and is therefore necessary.
64. A condition is included requiring no obstruction within the vision splay at the proposed main vehicular access to the site, as shown on the submitted drawings.
65. I have not included a condition requiring the keeping of garages for parking only, as it is not clear at this stage whether garages would be necessary for parking in the interests of highway safety. Likewise, I have not included the suggested condition from the Council requiring that areas of parking and

turning shall be kept free of obstruction as currently there is no detail of this aspect of the development, which would be part of the reserved matters, and therefore it is not certain to be necessary at this stage.

66. Finally, I have included a condition requiring the stopping up of the pedestrian crossing of the railway line near the site to prevent its use by the public, in the interests of public safety, as described elsewhere in the main issues.
67. The Council has included informatives relating to the Community Infrastructure Levy, the public right of way, and ecology mitigation. There can be no informatives in this decision, but it is advised that the appellant reads the suggested informatives as a form of advice.

Conclusion

68. For the reasons outlined above, this appeal should be allowed subject to the following conditions in the attached schedule.

S. Rennie

INSPECTOR

Schedule – Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 171108_L_01_01_A; 4264-001 Rev C; and 4264-003 Rev A.
- 5) No construction work shall take place or construction deliveries taken outside the hours of 08.00-18.00 hours Monday to Friday, 08.00-14.00 hours on Saturdays with no construction work or construction deliveries made on Sundays or Bank/Public Holidays.
- 6) No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements and routes to and from the site, which secures routing of all construction vehicles to prevent use of the Crewkerne AHB Level Crossing on Cathole Bridge Road;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - A scheme to encourage the use of public transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- 7) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.
- 8) 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.

- 9) Before any of the construction starts on any of the dwellings hereby permitted, details of the internal ground floor levels of all the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The buildings thereafter should be constructed in accordance with these approved ground floor levels.
- 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 prior to first occupation of any of the approved dwellings and thereafter maintained at all times.
- 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.
- 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.
- 13) The gradients of the proposed driveways to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained as such thereafter.
- 14) There shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the garage doors are of a roller shutter/sliding/inward opening type.
- 15) There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the garage doors are of an up and-over type.
- 16) No work shall commence on the development site until the developer has submitted to and had approved by the Local Planning Authority full details of the highway works to be provided along Cathole Bridge Road. No part of the development hereby permitted shall be occupied until these approved highway works to be provided along Cathole Bridge Road have been constructed in full.
- 17) A Condition Survey of the existing public highway will need to be carried out and agreed with the Local Planning 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 Local Planning Authority once all works have been completed on site.

- 18) At the proposed site access off Lang Road there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan, drawing number 4264-001 Revision C. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
- 19) No development shall commence until the pedestrian railway crossing, which is part of public right of way No CH27/21 and referred to in the correspondence from Network Rail relating to this development, has been stopped up and not available for use by the public.

END OF SCHEDULE



Costs Decision

Site visit made on 30 March 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Costs application in relation to Appeal Ref: APP/R3325/W/19/3240967 Land South of Kit Hill, Crewkerne, Somerset TA18 8HJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr James Tizzard (Land Value Alliances LLP) for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for the residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road.
-

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant claims that the Council, in refusing the proposals, acted unreasonably and this then resulted in costs being incurred by the appellant in taking the proposal to appeal.
5. I recognise that this was a decision by the Planning Committee, which was not to approve in line with the Planning Officer's recommendation. I also note there was no objection from the Highway Authority to the proposals. However, it is the right of the Planning Committee to make this decision. This is therefore the decision of the Council to refuse the planning application.
6. I recognise that the report to Planning Committee recommended approval for the development. Therefore, with the decision to refuse taken by the Committee, there was limited written evidence at the time of this decision other than in the Decision Notice to explain and justify this refusal. However, detailed evidence and justification has since been provided with the Appeal Statement from the Council and their supporting document 'Statement of

Evidence' by WSP. The Council has also set out how they consider the proposal is contrary to the National Planning Policy Framework.

7. In terms of the impact to Cathole Bridge Road as a result of additional traffic from the proposed development, this is a complex issue. Whilst I have concluded in the appeal decision that the proposal would not result in a detrimental impact to highway safety or the function of this section of highway, I do not regard that this is a planning application which should have *clearly* been approved by the Planning Committee. I also note there were many objections from local residents in the area relating to this subject which also has been taken into consideration.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense in taking this proposal to appeal has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

S. Rennie

INSPECTOR



Appeal Decision

Site visit made on 26 May 2020

by **JP Longmuir BA (Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2020

Appeal Ref: APP/R3325/W/20/3244569

Badgers Cross, Chinnock Huts Lane, East Chinnock, Yeovil BA22 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Boden against the decision of South Somerset District Council.
 - The application Ref 19/00996/OUT, dated 3 April 2019, was refused by notice dated 9 July 2019.
 - The development proposed is the erection of a dwelling to the rear of Badgers Cross.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application is submitted in outline with all matters reserved. I have therefore taken any indication of the reserved matters in the submission to be indicative.

Main Issues

3. The main issues are:
 - whether the location is suitable having regard to local and national planning policy;
 - the effects of the dwelling and potential access on the character and appearance of the area including the trees and;
 - the effects on highway safety.

Reasons

The suitability of the location

4. The site lies to the north of the village of East Chinnock, which is on the A30 between Yeovil and Crewkerne. There is an intervening wooded hillside between the site and the village.
5. The development plan for the area is the South Somerset Local Plan (SSLP), adopted March 2015. Policy SD1 has an overarching sustainable development objective. Policy SS1 focusses residential development into market towns. Policy SS2 covers rural settlements, which only allows new houses where there is access to two or more key services.

6. Policy SS2 lists the key facilities required to support new residential development. Development within East Chinnock, would comply. However, in my opinion the appeal site is outside and distanced from this settlement and within the countryside, which is contrary to policy SS2.
7. The nearest facilities for the occupants of the dwelling would be in East Chinnock, which the Council's case officer's report quantifies as 500m. The shortest connecting route is Chinnock Hollow, which is a steep, enclosed narrow lane with no pedestrian pavement or lighting. These circumstances would be likely to discourage walking or cycling to facilities. Similarly, walking to a bus stop would be constrained.
8. I consider that the occupants of the dwelling would be likely to use car travel to meet their everyday needs including retail, education, social, health and employment. I therefore conclude that the proposal is therefore contrary to the SSLP policies SD1, SS1 and SS2.

The effects on the character and appearance of the area including the trees

9. The site is part of the rear garden of the host property, which is significantly elevated. There are also mature deciduous trees along the adjacent Chinnock Hollow Lane which is well named being recessed into steep banks. The decision notice refers to the potential loss of the trees and the impact of engineering work to create the access.
10. The potential connecting road at Chinnock Hollow has very steep sides and is narrow. The Somerset County Council Highways Development Control-Standing Advice, June 2017, precludes accesses which are steeper than 1:10 within 6m of the carriageway. In the absence of any submitted evidence to the contrary, in my opinion this gradient would require substantial engineering works, which together with the access itself would cut into the bank. It would destroy the integrity and continuity of the natural feature.
11. There are mature trees along the Chinnock Hollow which are worthy of retention in their own right as well as contributing to the character of the lane. Whilst the precise point of the potential access has not been stated, some removal of these trees is inevitable bearing in mind the extent of the tree cover and the need to achieve visibility. In the absence of any evidence to the contrary, the loss of tree cover would harm the character of the lane.
12. The site extends away from Chinnock Hollow on to an open grassed plateau which is not prominent from public view. A dwelling could be sited on this plateau. There is a public right of way to the south, but I noted on my site visit that this is largely screened by vegetation. The appellants also highlight this is not within a designated landscape. Similarly, the plateau itself is open grassland and featureless and is not seen as part of any notable view, consequently it seems undistinguished. The siting and appearance of the dwelling are not matters for this outline proposal, but it seems to me that in principle a dwelling would not harm the area, notwithstanding the access impacts.
13. I therefore conclude that the access would be harmful to the character of the area. Policy EQ2 of the SSLP protects the landscape and policies EQ4 and EQ5 are similarly aimed at protecting biodiversity and trees. I therefore find that the proposal is in conflict with the SSLP in this respect.

The effects on highway safety

14. The decision notice refers to the proximity of the site with the Chinnocks Huts Lane/Chinnocks Hollow road junction as well as the potential steep gradient. The Council's highway officer's response recommends that the access should not be a reserved matter.
15. As stated earlier the access needs to achieve a safe gradient and visibility has to be provided in accordance with the 30mph limit. The site's boundary with the Chinnock Hollow Lane is heavily constrained by the steep bank and mature trees and the Chinnock Huts Lane appears unavailable due to the existing dwelling and its grounds. No evidence has been provided that a safe access is feasible which would overcome the substantial constraints.
16. Therefore, I find that the access would be likely to be sub-standard. Policy TA5 of the SSLP promotes highway safety, and I therefore conclude that the proposal would be contrary to the policy.

Planning balance

17. Both parties agree that the Council is not meeting its residential land supply requirements. The shortfall in land supply means that there is no presumption in favour of the Development Plan under section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 11 (d) of the National Planning Policy Framework (the Framework) applies, and criterion (ii) questions whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.
18. The dwelling would be in the countryside and is distanced from the shops and services offered by a settlement, hindered further by the lack of a pavement and lighting along the connecting steep narrow lane. I conclude that the dwelling would be car dependent for everyday services and facilities. Accordingly, the proposal contravenes paragraph 79 of the Framework which seeks to avoid isolated homes in the countryside. The land supply shortfall questions the development plan housing policies, but the general thrust of policies SS1 and SS2 which directs development to locations with services settlements is still an appropriate strategy.
19. The appellant refers to the under supply of housing land and the dwelling is regarded as helping. There is a pressing need for new housing in the area, particularly bearing in mind the continuing shortfall. However, this one additional house would not make a significant contribution to the land supply. The appellant also promotes the proposal as a self-build scheme, which is in short supply. This is a benefit but not an overriding factor.
20. Whilst the construction of a new house has economic and social benefits, these are very limited because the proposal is only one house and is separated from local services, which would be more likely to be used where walking and cycling are convenient. The proposal conflicts with paragraph 78 of the Framework, which promotes new housing where it maximises support for local services.

Similarly, paragraph 108 states development should utilise sustainable forms of transport.

21. I have found above that based on the submitted evidence, the proposal would be harmful to the character and appearance of the area and highway safety.
22. In overall balance, I therefore conclude that the impacts of the proposal are significantly and demonstrably outweighed by the benefits when assessed against the Framework as a whole.

Conclusion

23. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR