



Informal Discussion by Members of Regulation Committee

Tuesday 17th May 2022

10.00 am

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

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

Jason Baker
Neil Bloomfield
Malcolm Cavill
Adam Dance

Sarah Dyke
Peter Gubbins
Tony Lock
Sue Osborne

David Recardo
Paul Rowsell
Dean Ruddle
Andy Soughton
William Wallace

Any members of the public wishing to view the meeting, or address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, must email democracy@southsomerset.gov.uk by 9.00am on Monday 16th May 2022.

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

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

This Agenda was issued on 9th May 2022.

Jane Portman, Chief Executive Officer

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

Information for the Public

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

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

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

For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2981&Ver=4>

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022. For full details and to view the report please see -

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

Further to the above, at the meeting of Full Council on 16 December 2021, it was agreed to extend the arrangements for a further 6 months to 8 July 2022 for all meetings apart from Full Council - Full Council will be in person. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2991&Ver=4>

Regulation Committee

Meetings of the Regulation Committee are usually held monthly, at 10.00am, on the third Tuesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom.

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

www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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

Public participation at meetings (held via Zoom)

Public question time

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

Please email democracy@southsomerset.gov.uk for the details to join the meeting

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

If you would like to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on 16th May 2022. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Virtual meeting etiquette:

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

Planning Applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am 16th May 2022. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

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 cannot 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 3 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:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

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

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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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Regulation (Informal)

Tuesday 17 May 2022

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 15th February 2022. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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.

4. Public Question Time

5. Planning Application 21/03369/REM - Land Os 5439 Part, Townsend Green, Henstridge, Templecombe, Somerset, BA8 0RG (Pages 6 - 29)

6. Date of next meeting

The next scheduled meeting of the Regulation Committee (Informal) will be held on Tuesday 21st June 2022 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5

Officer Report On Planning Application: 21/03369/REM

Proposal :	Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure.
Site Address:	Land Os 5439 Part, Townsend Green, Henstridge, Templecombe, Somerset, BA8 0RG
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Trudy Gallagher (Specialist) Tel: 01935 462462 Email: trudy.gallagher@southsomerset.gov.uk
Target date :	14th February 2022
Applicant :	Barratt David Wilson Homes
Agent: (no agent if blank)	
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Regulation Committee following a resolution to refuse the application by the Area East Committee on 13th April 2022. This is in accordance with the Council's Scheme of Delegation, as the application is a significant proposal for major development and the resolution made by Area East Committee would conflict with a relevant previous decision, and in the opinion of the Director (Service Delivery), would be difficult to substantiate. The resolution of the Area East Committee was to refuse the application contrary to the Planning officer's recommendation for the following reason:

The proposed development, if approved, would fail to provide sufficient parking to serve the number of dwelling proposed. National Guidance (Manual for Streets) notes that only 44% of garages tend to be used for parking, and when that proportion of garages is discounted from the parking calculations, there is a shortfall of parking across the site, which is further exacerbated by insufficient parking provision for the three-bed properties. The development is likely to result in parking displacement onto Woodhayes Way and the surrounding highway network to the detriment of highway safety and contrary to Policies TA5 and TA6 of the South Somerset Local Plan (2016-2028) and Manual for Streets guidance.

The application was originally referred to the Area East Committee by the Ward Members and the Chair, following the receipt of objections from the Parish Council and local residents which were contrary to the officer recommendation below.

Whilst in attendance at the Area East Committee meeting, the officer from the Highway Authority is unable to attend the Regulation Committee meeting on 17th May, but has provided the following statement for Members' information and consideration;

"Whilst the parking provision is not ideal as it has a heavy reliance on garage parking, the Somerset Parking Strategy (SPS) sets out that garage parking can be included in provision. The level of parking provided is in accordance with the Somerset Parking Strategy, in fact, there is an overprovision of visitor spaces.

As the application is in accordance with the SPS the Highway Authority do not, and cannot, object to the scheme on the grounds of parking provision, or indeed on any other highway grounds.

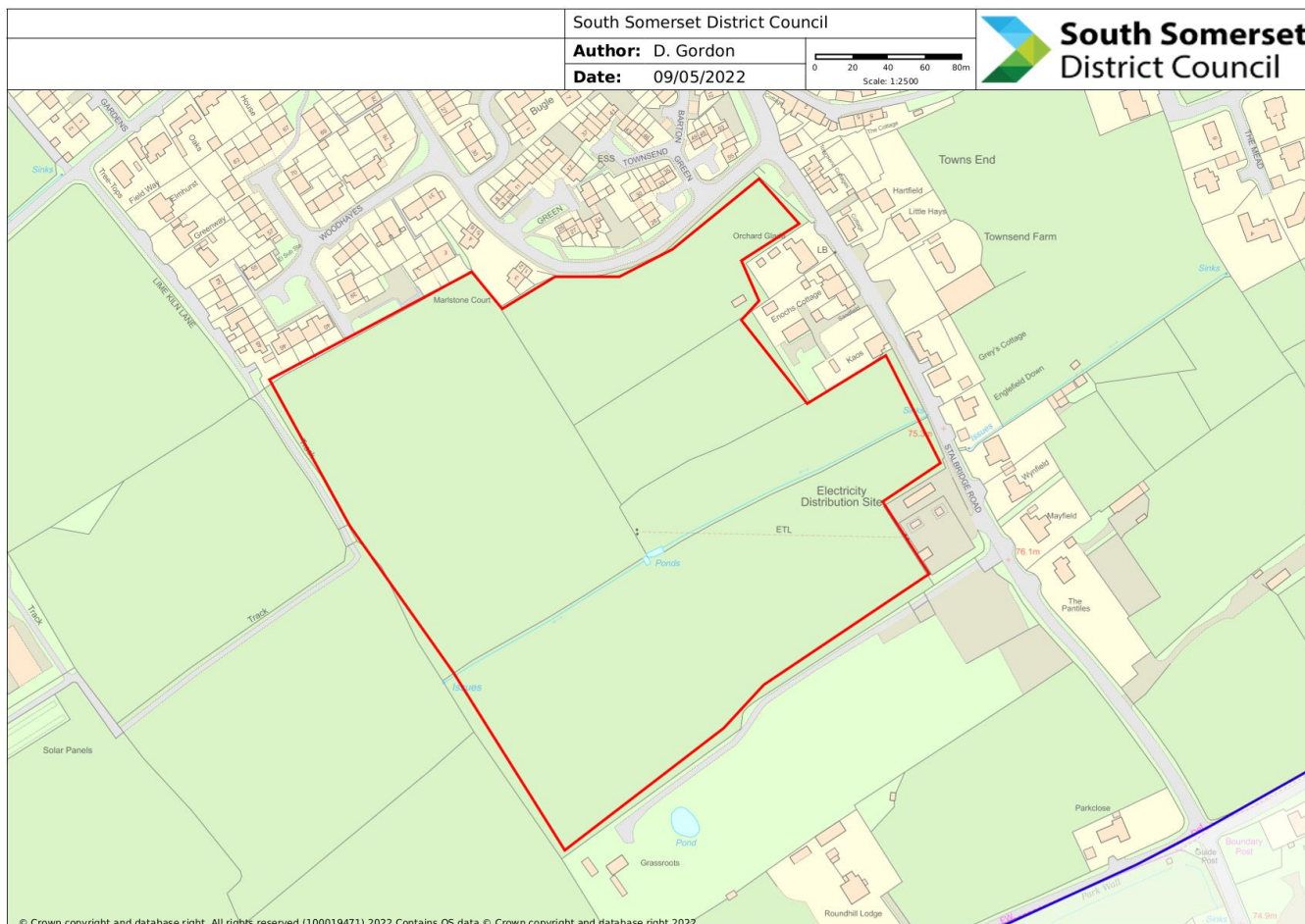
The Highway Authority consider that an objection on the grounds of parking levels is unreasonable and unsustainable. If the elected members wish to object on those grounds the Highway Authority could not assist in what they consider an inevitable appeal by the applicant. Furthermore, it is the opinion of the Highway Authority that such an appeal will lead to an Inspector overturning the Local Planning Authority decision and granting permission, and quite probably granting costs against the Council as the grounds for refusal are likely to be considered unreasonable by the Inspector."

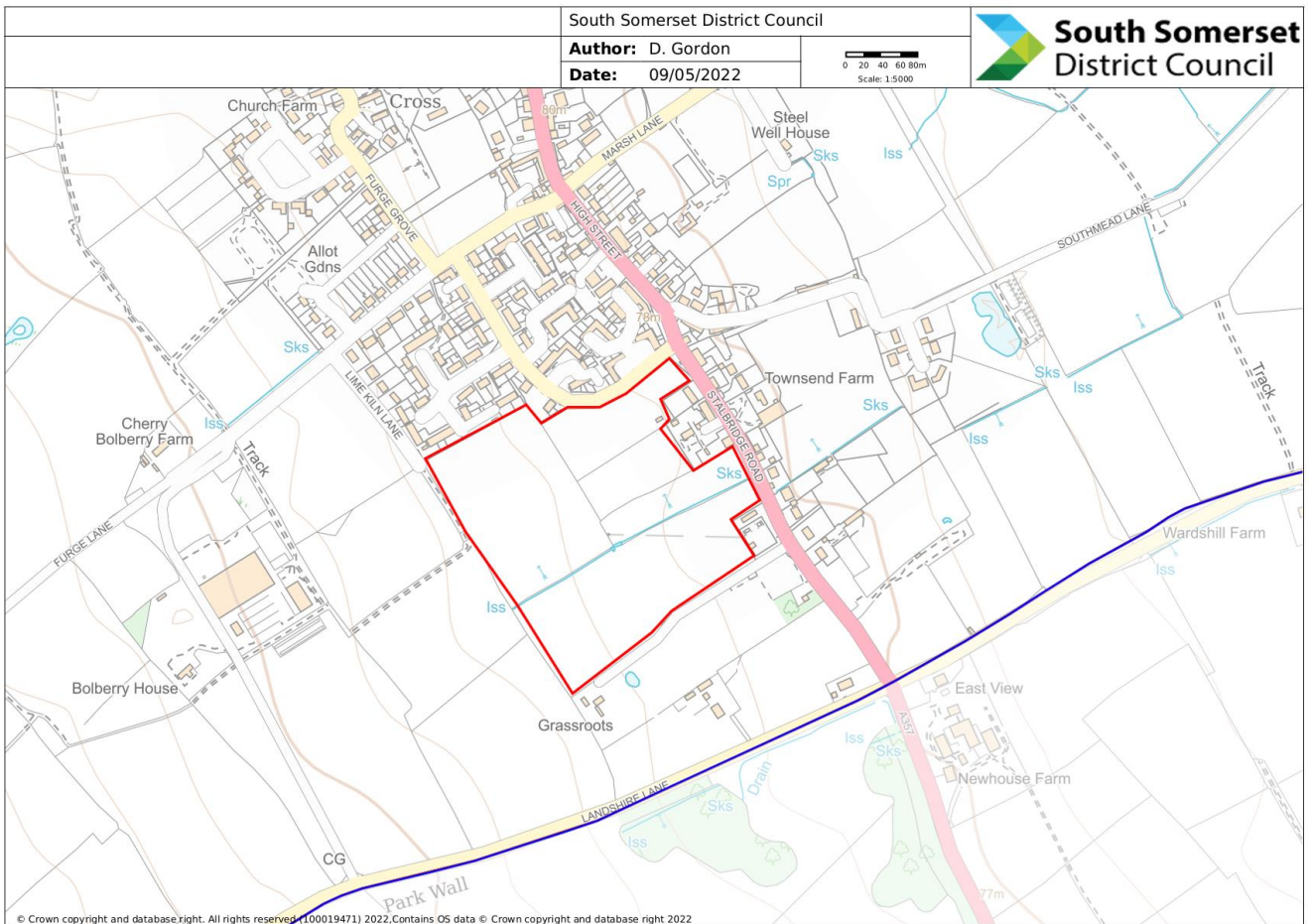
Since the Area East Committee's resolution (and receipt of the above comments from the Highways Authority), the scheme has been amended as follows;

- (i) provision of an additional 7 visitor parking spaces and
- (ii) 27 of the originally proposed 48 garages have been converted to car ports.

In terms of overall parking provision, the development now proposes a total of 349 parking spaces (comprising: 46 unallocated on-street visitor parking spaces, 98 allocated on-street parking spaces, 143 on-plot parking spaces, 14 off-plot parking spaces (which are away from dwelling, but in the dwelling's ownership), 21 garages and 27 car ports).

SITE DESCRIPTION AND PROPOSAL





This application seeks approval of the reserved matters for a development of up to 130 dwellings with sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure. Outline approval for the means of access from Woodhayes Way was granted at appeal in 2018 (17/03029/OUT). The reserved matters for consideration under this application are the layout, scale, appearance and landscaping of the site.

Accompanying the outline permission was a Section 106 Agreement dated 28th September 2018 which requires the payment of financial contributions towards the provision and maintenance of play facilities and open space, affordable housing and also towards early years places. Finally, the legal agreement requires the provision and agreement from the County Highway Authority of a Travel Plan.

The site consists of an area of agricultural land currently laid to grass, and divided into several fields, which sits to the southern end of the settlement of Henstridge. The fields are largely divided and surrounded by mature native hedges. The land slopes gently upwards to the west, away from the A357 and its bordering development, which runs along the eastern boundary of the site. To the north of the site sits a large estate of modern residential development. To the south and west of the site is predominantly open countryside, although there is a large electricity substation immediately adjacent to the south eastern corner of the site, and a plant nursery bordering the southern end of the site. The site is traversed by a public footpath. The site is not within any special designations and does not sit within an environment agency floodzone. The land is classified as grades 3b and 4 agricultural land, so is not considered to be the best and most versatile in terms of paragraph 112 of the NPPF.

An indicative plan was considered broadly acceptable at outline stage, showing 130 dwellings arranged centrally within the site around a circular access road from Woodhayes Way, with informal public open space bordering the countryside to the west, a SUDS basin to the south-east and a play area and wildlife

pond fronting Stalbridge Road. In the details submitted for this reserved matters application, the maximum of 130 dwellings is proposed however the layout has been improved, with an area of open space and play facilities adjacent to the access on Woodhayes Way, more housing close to Stalbridge Road and less built form on the rural edge of the site to the south-west.

HISTORY

22/00305/HDG - Removal of Hedgerow as per Planning Application 21/03369/REM. Approved Feb 2022

17/03029/OUT - Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way. Approved at appeal - Nov 2018

17/03005/EIASS - Residential development for up to 130 no. dwellings, public open space, engineering works and vehicular access - EIA not required 26/07/2017

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 8 - Promoting Healthy and Sustainable Communities

Chapter 9 - Promoting Sustainable Transport

Chapter 12 - Achieving Well Designed Places

Chapter 14 - Meeting the Challenge of Climate Change

Chapter 15 - Conserving and Enhancing the Natural Environment

CONSULTATIONS

Henstridge Parish Council

Henstridge Parish Council engaged in a positive informal meeting with Barratt David Wilson Homes

which addressed some of the concerns raised in this response to the Reserved Matters Planning Application. However, these observations are based purely on the Reserved Matters planning application as submitted to SSDC Planning Department.

Henstridge Parish Council's observations are linked to relevant Planning Material Considerations as shown within the response.

Henstridge Parish Council objects to this planning application and recommends refusal based on the following grounds:

1. Construction Environmental Management Plan - Planning Material Considerations "Proposals in the Development Plan, Noise, Traffic and Highways Safety" The CEMP routes construction site traffic from North, West and East directly through the centre of the village. The Parish Council recommends that Camp Road and Landshire Lane is a more appropriate and accessible route and should be used instead.

2. Provision of Open Spaces - Planning Material Consideration "Government Policy" The provision and management of open spaces is not acceptable.

The Parish Council is advised by SSDC planning officer that the open space provision and its maintenance was secured through a Section 106 legal agreement at outline application stage. However, the Inspector's Appeal Decision of 20 November 2018 only refers to a Unilateral Undertaking and a Planning Obligation without any document reference or date.

The Parish Council believes that this Unilateral Undertaking was between the owners of the site at the time and Gladmans, dated 27 September 2018, to be attached to the sale if the outline planning application was allowed at the appeal stage. A meeting has been requested with SSDC Planning Officers to discuss this.

No such document has been provided in support of the Reserved Matters application 21/03369/REM and it is not clear how or when a Section 106 agreement has become part of the Conditions of the Appeal Decision or part of the Reserved Matters application.

The transfer of open spaces and any play area to a management company without consultation or agreement with the Parish Council is not acceptable.

The designation of the open space by the north entrance to the development site as LEAP should be subject to agreement with the Parish Council to take account of the recreation facilities already available elsewhere in the parish.

3. Affordable Housing - Planning Material Considerations "Government Policy, Layout and Density of Building" The Parish Council believes that a proportion of the Affordable Rented housing should be allocated as a priority to tenants with a parish connection based on our 2018 Housing Needs Survey as submitted to the 2018 Appeal (for 12 social rented homes).

4. Highways and Parking - Planning Material Considerations "Highways Safety, Parking, Traffic, Noise" The Parish Council wishes to seek assurances that the roads in the development are finished to highway standard and that adequate parking for homes is provided along with parking spaces within the development area to replace those already within the Woodhayes and Townsend area that will be lost.

5. Climate/Sustainability - Planning Material Considerations "Nature Conservation, Design, Appearance and Materials and Government Policy" Henstridge Parish Council notes that only EV charging points have been provided within the application and that further consideration should be given to aid the environment such as solar panels and renewable energy heating systems.

County Highway Authority

The amended plans are noted and whilst not all of the previous concerns held by the Highway Authority have been addressed the majority of those still outstanding can be considered at the technical detail stage.

One concern that is still outstanding relates to the level of parking provided for all of the dwellings as all of the proposed garages are being relied upon to achieve the required parking levels. Whilst it is accepted that SCC guidance states that garages can be considered as part of the parking provision Manual for Streets, the national guidance, states that only 44% of garages get parked in, this would see a shortfall of 12 spaces, there are also 14 of the 3 bedroom houses that are 0.5 spaces short on the Somerset Parking Strategy optimum levels. This represents a total of 19 spaces. There is an over-provision of visitor spaces and taking this into account it would not be reasonable of the Highway Authority to recommend a refusal of the application on these grounds.

Taking the above comments into consideration the Highway Authority does not object to the proposal and should the Local Planning Authority be minded to grant permission the Highway Authority would request that the following conditions be imposed:

- The proposed roads, including footways 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 footway and carriageway to at least base course level between the dwelling and existing highway.

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

- No development on the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority. 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:

- a) estate roads
- b) footways
- c) tactile paving
- d) cycleways
- e) sewers
- f) retaining walls
- g) service routes
- h) vehicle overhang margins
- i) embankments
- j) visibility splays
- k) carriageway gradients
- l) drive gradients
- m) pedestrian and cycle routes and associated vehicular accesses and crossings,
- n) means of enclosure and boundary treatment,
- o) street lighting and street furniture,
- p) all new junctions,
- q) proposed levels,
- r) highway drainage

- No occupation shall thereafter commence until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

- No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied

by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

- No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

- The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 501-100-01 Rev D, and shall be available for use prior to commencement. Once constructed the access shall be maintained thereafter in that condition at all times.

- Before the development is occupied the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

- At the proposed access there shall be no obstruction to visibility greater than 600/240 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 501-100-01 Rev D) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

- Before the development is occupied the electric vehicle charging points and parking bays shown on Drawing Number 9493 PL10 Rev D must have been constructed. Thereafter, they must be permanently maintained, kept free from obstruction and available for the purposes specified.

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

- 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 development above damp-proof course level and thereafter maintained at all times.

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

- No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

- All the recommendations of the Approved Travel Plan shall be implemented, monitored, and reviewed in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan to the satisfaction of Local Planning Authority for the Duration, unless agreed in writing by the Local Planning Authority.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and re-address where deemed necessary. Where planning permission has already been granted, any inaccuracies which come to light may seriously affect the deliverability of the permission. If this includes highway works either on or adjacent to the existing public highway that may be the subject of a specific planning condition and/or legal agreement attached to the aforementioned consent, it may result in a situation whereby that condition and/or legal agreement cannot then be discharged/secured.

Additional clarification received April 2022 prior to Area East Planning Committee meeting: Confirmation that Revised CEMP received is acceptable and no CEMP condition is required. It has also been acknowledged that the Travel Plan condition is not necessary as it has already been secured through the S106 agreement.

Since the Area East Committee Resolution, the Highways Authority has also provided the following statement:

"Whilst the parking provision is not ideal as it has a heavy reliance on garage parking, the Somerset Parking Strategy (SPS) sets out that garage parking can be included in provision. The level of parking provided is in accordance with the Somerset Parking Strategy, in fact, there is an overprovision of visitor spaces.

As the application is in accordance with the SPS the Highway Authority do not, and cannot, object to the scheme on the grounds of parking provision, or indeed on any other highway grounds.

The Highway Authority consider that an objection on the grounds of parking levels is unreasonable and unsustainable. If the elected members wish to object on those grounds the Highway Authority could not assist in what they consider an inevitable appeal by the applicant. Furthermore, it is the opinion of the Highway Authority that such an appeal will lead to an Inspector overturning the Local Planning Authority decision and granting permission, and quite probably granting costs against the Council as the grounds for refusal are likely to be considered unreasonable by the Inspector".

Previous Highways comments can be found on the planning application file.

Play Facilities and Leisure

From the site plan submitted, the Leap and Youth facilities area is acceptable. The 17/03029/OUT application stated they need to have the following;

Youth facilities need to have 5 items of Skate ramp - quarter pipe, flat bank, grind rails, jump box, spine

and suitable surface for wheeled play, A Sports wall for football and basketball with associated hardstanding for ball play.

The Leap needs to have 5 items of play equipment - balancing, rocking, climbing overhead activity, sliding, swinging, jumping, crawling, rotational, imaginative play, social play and play with natural materials.

Police Crime Prevention Design Adviser

No objection to the application.

A number of points raised previously have been addressed (I believed these are points 1 to 5). I am grateful that these changes to have been adopted.

As far as the other recommendations and observations, detailed in the response dated 26/11/2021, these still stand.

Previous comments:

As the Crime Prevention Design Adviser for Somerset East I have no objection to the application as is. I note the comments that have been made in various documents over the efforts made to address safety and security, in particular section 4.7 in the design statement. I obviously welcome any efforts that have been made so far.

However I do have some comments which I have listed below:

Boundaries -

1. The plan seems to show a gap in the hedgerow behind plots 127 and 128. This should be filled in, if in fact it is physically present, to reduce easy access to the rear boundaries of those plots.
2. Plots 2 to 5 have a gate at the side of plot 2 to restrict access to the rear hedging area. I would like to see something incorporated around plot 5 garage area to restrict access at this point too.
3. I would ask that the close board timber fence and instant hedge boundary treatment is also applied to plots 43 and 44.
4. I recommend that gated access is also installed to the side hedgerow areas of plots 72 and 88, 25 and 26.
5. A side access gate to the side hedging area is installed next to plot 89.
6. In general when close boarded fencing is installed please ensure that the cross rails are installed inside boundaries to eliminate climbing aids on the outer fence surface.

Public Footpaths -

There are footpaths planned around the development in the open spaces. These should be as straight as possible, well lit, devoid of potential hiding places and well maintained so as to enable natural surveillance along the path and its borders.

Cycle Storage -

The proposed combined bin and cycle store units for the apartments should have locked doors. Inside the cycle store area I recommend that the hoops that the cycles can be secured against are galvanised steel bar to a minimum of 3mm thickness filled with concrete. The foundation depth should be a minimum of 300mm. The hoop should be such that both cross bar and wheels can be locked to it.

Play Areas -

1. Regarding the main play area, if equipment will be installed, consideration should be given to fencing around this area with a single dedicated entry and exit point to enable parental/guardian control and supervision. Fencing at a minimum height of 1200mm can often discourage casual entry, provide a safe clean play area and reduce damage to the equipment.
2. The Youth space has limited surveillance onto it. It may be on a PROW but I am not convinced there will be sufficient usage of this to provide surveillance onto this area at all times of the day as the design statement suggests. If a youth shelter is to be constructed then careful consideration needs to be given as to its style and construction method.

Parking -

Secured By Design states that 'Where parking is designed to be adjacent to or between units, a gable end window should be considered to allow residents an unrestricted view over their vehicles.' I am concerned about the level of surveillance provided on parking areas in this proposed development. A typical example is plots 10 and 9. The parking is pushed back in line with the rear gardens. There are no properties opposite to provide surveillance. Another example is plots 68 to 70. Parking is provided between the properties. But no windows in active rooms on side elevations or any properties opposite to provide surveillance opportunities.

Orientation -

I am concerned about the orientation of some of the plots and the vulnerabilities this may create. For example plot 13, the property frontage is facing the rear of an existing property. The plot is at an end of a row with no properties opposite to overlook. Similar plots 44 and 62 are similar styles of house with their frontages facing towards hedgerows. The surveillance opportunities on the frontages are extremely limited

Lighting-

Apologises if I have missed this area in the documents. But I would like some information on what is proposed for the lighting of the development. I am aware that ecology need to be considered. Also care should be taken not to over light, which can cause light pollution, neighbourhood nuisance and excess energy consumption. But from a purely crime prevention perspective guidance can be drawn from the New Homes Guide 2019 - Secured By Design. It is known that Lighting can contribute to:

1. Reducing risks of night-time accidents;
2. Assisting in the protection of property;
3. Discouraging crime and vandalism;
4. Making residents and street users feel secure; and
5. Enhancing the appearance of the area after dark.

SSDC Highway Consultant

SCC Highways has stated that it will be considering this planning application further and will provide comments and a recommendation to the planning case officer.

Lead Local Flood Authority

Outline planning permission for this development has been granted, with certain matters reserved by condition, some of them relating to flood risk and drainage aspects which are described below.

Following previous correspondence, dated 08/03/2022, the following information was requested:

- o Evidence of acceptance of the proposed discharge rate and location from the relevant third party landowners.
- o Microdrainage results demonstrating the attenuation requirements for rural and post-development flows consistent with the size and volume of attenuation features and runoff catchments within the drainage strategy plan.

The following additional documentation, available on the public planning portal, has been reviewed as part of this response:

- o Amended Plan - 501-MD-003-P06 - Surface Water Network 1 - 30/09/2021
- o Amended Plan - 501-MD-003-P06 - Surface Water Network 2 - 30/09/2021
- o Amended Plan - 501-010-01-Drainage Strategy Sheet 1-Rev D - 24/03/2022

Previously it was requested, that the applicant should provide evidence to demonstrate acceptance of the proposed discharge rates and the locations of outfall by the relevant third-party landowner. It remains a requirement to include this and consultation confirming that there is adequate capacity within the drain. Clarification was also previously requested that should confirm whether the proposed connection in the north-east of the site is part of the same network that the rest of the site is draining to, and if this network does eventually outfall into the existing drain where connection is proposed in the south of the

development. Evidence of acceptance of the proposed discharge rate and location of outfall by the third party landowner is required and should include consultation confirming that there is adequate capacity within the sewer. This information has not been included within the amended plans and therefore is still required for review.

MicroDrainage calculations have been provided for the two proposed surface water networks within the site, Surface Water 1 for the southern network and Surface Water 2 being the north-east corner of the site.

Surface Water Network 1 shows pipes have been included within the calculations that are shown to be grey on the Drainage Strategy plan, there is no indication within the key as to what these pipes are, they are not styled consistently with the Proposed Adoptable Surface Water Sewer shown within the key, it should be clarified what these grey pipes are. It may also be noted that some of these grey pipes are identified as existing pipes associated with the "Existing Furge Lane/Lime Kiln Lane Gullies" in which annotations identify some of these pipes as "not draining water" and "speaking with residents, pipe has collapsed, no access for surveyors to trace pipe location due to blockages" suggesting that these pipes do not successfully drain surface water at the full capacity, however this does not appear to be reflected within the calculations as they are modelled as 300mm diameter pipes. The modelling should reflect the observed condition of the existing surface water drainage infrastructure.

Further review of the calculations show multiple instances of flooding within the 100 year return period. Calculations should be provided that demonstrate that the proposed surface water drainage system has been designed to prevent surcharging in all events up to and including the 1 in 2 annual probability storm event, prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event, and demonstrate that surface water runoff up to the 1 in 100 year event plus climate change will be controlled without causing harm to people or properties. Within the Drainage Strategy Plan one location of potential overland flow ponding is identified, the plan should be updated to show all potential instances of overland flow ponding and demonstrate how all instances of flooded volume will be managed and directed away from built development.

Basin volumes have not been included within the calculations or Drainage Strategy plan. Previously it was stated that the MicroDrainage model shows that 15,000m³ of storage is required to accommodate rural flows and 1,500m³ of storage is required to attenuate flows generated by the development site itself. Capacity should be shown on the drawing and attenuation provision to be reviewed as flooding at control chamber S166 would indicate lack of required attenuation. It is also unclear what the contributing catchment areas for the basin network are, this should be included within the calculations alongside a corresponding catchment plan.

Surface Water Network 2 uses attenuation in the form of a box culvert. It may be noted that if the final design uses geocellular storage instead of the modelled box culvert, as noted within the plan, void ratio will have to be accounted for and the section S203-S204 may have to increase in length/width. In line with the request above, the contributing catchment areas for Surface Water Network 2 should be included within the calculations and Drainage Strategy plan.

Somerset County Council as the LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- o Evidence of acceptance of the proposed discharge rate and location from the relevant third party landowners.
- o Drainage Strategy plan key updated to include the grey pipe network.
- o Modelling revised to reflect the observed condition of the existing surface water drainage infrastructure.
- o Drainage Strategy Plan should be updated to show all potential instances of overland flow

ponding and demonstrate how all instances of flooded volume will be managed and directed away from built development.

- o Microdrainage results demonstrating the attenuation requirements for rural and post-development flows consistent with the size and volume of attenuation features and runoff catchments within the drainage strategy plan. These results should show that surface water runoff up to the 1 in 100 year event plus climate change will be controlled without causing harm to people or properties.

Environmental Health

Revised CEMP is satisfactory.

Tree Officer

Revised tree protection measures are satisfactory.

County Rights of Way:

There is a public right of way (PROW) recorded on the Definitive Map that runs through the site (public footpath WN 12/25) and a PROW that abuts the site (restricted byway WN 12/41) at the present time. The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to inclusion of the following condition and informative:

1. Specific Comments

DIVERSION REQUIRED

The current proposal will obstruct the footpath WN 12/25 (please see attached photos). The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order. The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way. A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in this way. Suggested condition to be: No development hereby approved which shall interfere with or compromise the use of footpath WN 12/25 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority). The section in brackets is not always practical and can be removed following prior discussion with the Highway Authority.

Please include the following paragraph as an informative note on the permission, if granted:

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Also:

The routing of WN 12/25 entirely along the estate roads would be unacceptable and contrary to DEFRA circular 1/09. Surface improvements to path WN 12/25 will need to be secured through a s106/278 legal agreement or potentially agreed through a s38 agreement. The crossing points of the footpath over the estate roads will need to be safe for the public to use and constructed appropriately through the technical approval process as part of the legal agreement.

2. General Comments

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

The following bold text must be included as an informative note on any permission granted: Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

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

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

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided.

For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-andtransport/apply-for-the-temporary-closure-of-a-right-of-way/>

Strategic Housing

The proposed mix is broadly in line with what was suggested in our outline planning response as is the clustering.

The only observation from looking at the plans is that some of the 3 bedroom accommodation are only due to accommodate 5 people. We would always expect bedrooms in affordable dwellings to be able to accommodate 2 people so would ask that the internal layout is amended to combat this and enable 6 people to be housed.

Public Open Space

The plans shown on the 'Detailed Landscape Proposals' identifies approx. 0.44ha of useable Public Open Space (POS), an amount slight short of the required 0.48ha for a development of this size. We are happy, however, after discussions with the developer that with the provision of attenuation features surrounding the site, there will be adequate recreational area for the majority of the year when the weather is dry.

We are also encouraged by the central area, which is the main area of POS; this not only provides a central focus for the development, but also great links across the site, and whilst it is not in a typical village green style, we are happy it will provide a good area for the residents of the site and that it is separate from the LEAP, although the area surrounding the LEAP also provides additional POS and if designed well with the LEAP provision, will provide a further area for informal use on the site. We are happy for this application to continue with the designs as they currently are and have no objections going forward.

SCC Ecologist

No comments received.

Somerset Waste Partnership

No comments received.

Open Spaces Society

No comments received.

REPRESENTATIONS

Seventeen individuals have submitted letters of objection as well as an organisation calling itself the A357 Planning Action Group. The Action Group's comments also included a petition of 270 signatures. Objections were raised in the following key areas in summary (full comments are available on the planning file):

Highways:

- A357 is already congested, traffic has increased since Nov 2018 approval and fresh traffic survey is required
- Parking is not sufficient for number of cars and will push parking onto Woodhayes Way. Properties without parking on the A357 rely on parking on Woodhayes Way and there is concern this will reduce on-street parking opportunities. This would be exacerbated by lost parking from the traffic calming measures
- Concerns raised about CEMP, including that it will last longer than 3 years and route of traffic - They should be required to take the Camp Road/Landshire Lane alternative instead and this should apply for all HGVs not just those going to the new development

Residential amenity:

- Will overshadow Greys Cottage

Design:

- Climate crisis has not been considered - no solar panels or other measures

Other issues:

- Can it be guaranteed the development will not cause flooding in the area? Site flooded on 31st Oct 2021
- Can the sewer systems cope?
- Will they provide 10% biodiversity gain?
- Location of youth facilities will cause anti-social behaviour
- LEAP facilities will duplicate some that opened on the rec in 2021
- Concern about no. of dogs from development, resulting in foul litter and loss of foxes and badgers

Comments relating to principle of development or access arrangements already approved under 17/03029/OUT:

- The main condition of the outline approval of 130 homes was the implementation of a road scheme through the village prior to commencement of development, this has not been done and so planning should be refused until there is a workable solution to the traffic in the village
- Proposed traffic calming and traffic lights will cause disruption, traffic including HGVs will be constantly queuing, blocking emergency access and increasing pollution. Vibrations affect buildings in conservation area
- Development must not commence until condition 10 of the outline has been agreed
- Difficult to comprehend why an application of this size has been approved, not suitable for a Rural Settlement. A reduced scheme that reflects the scale of the infrastructure should be

considered

- Proposed footpath along A357 is too narrow for a wheelchair - this is discrimination
- Insufficient places at primary school and more children will mean more noise
- Needs to be considered cumulatively with development in Stalbridge
- School has done well because of small classes, remodel will change this

CONSIDERATIONS

Principle of Development

The principle of development has already been agreed at outline stage in November 2018, when application 17/03029/OUT was approved by the Planning Inspectorate. The development is therefore acceptable in principle.

Highways

Significant local concern has been raised in regard to the proposed access arrangements and highway implications of the development, most notably relating to condition 10 of the outline application (17/03029/OUT), which is considered to be unworkable. Condition 10 stated the following:

"10) No development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter. The submitted scheme shall have regard to the following:

i) dropped kerbs and tactile paving at the following junctions:

- Woodhayes Way/A357 Stalbridge Road
- Woodhayes/Townsend Green
- Woodhayes/Bugle Court
- Woodhayes (Marlstone Court)
- Woodhayes/Furge Lane
- Furge Lane opposite Furge Grove;

ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:

- Junction Furge Lane/Furge Grove
- Junction Church Street/A357; and

iii) a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane/Marsh Lane generally in accordance with plan Ref. P17033-06-01E."

The highway authority was consulted in regards to this application and has considered the proposed scheme in detail. In response to objections received about the location of the access on Woodhayes Way, this access point was agreed at outline stage and so is not to be re-visited as part of this reserved matters application, which considers the layout, appearance, scale and landscaping of the development only.

Whilst the Local Planning Authority is aware that there are issues with part iii) of condition 10, the developer is required to discharge the condition prior to commencing development, and this would be a separate application. If the Highway Authority conclude that condition 10 cannot be discharged safely then the developer will need to make a Section 73 application to vary this condition prior to starting any work on site. The developer is aware that they are unable to commence development unless condition

10 is either formally discharged or varied, both of which would be under a separate application.

Notwithstanding the above, the Local Planning Authority is unable to hold this reserved matters application in abeyance because condition 10 is yet to be discharged.

The internal layout of the site is a matter for consideration at reserved matters stage, and the Highway Authority initially raised concerns about the lack of parking across the site, including visitors parking, as well as suggestions for additional pedestrian crossing points, signage, lighting and traffic calming measures on the proposed estate roads. Amendments have been received to address these issues, and whilst the Highway Authority has acknowledged that there is a slight shortfall of parking, due to the overprovision of unassigned visitors parking spaces it would be unreasonable to refuse the application on this basis. Furthermore, the highway officer's assessment discounts 44% of the garages from their calculations, whilst the Somerset Parking Strategy (2013) allows for garages to count as parking spaces.

The Highway Authority considers the development to be acceptable in highway terms, subject to conditions to secure the following:

- Footway to each dwelling shall be properly consolidated and surfaced prior to first occupation, and the highway shall be at least base level
- Scheme of street lighting to be agreed
- The design, layout, levels, gradients, materials and method of construction of all highway features to be agreed prior to commencement
- Survey of highway to be adopted
- Access to be implemented prior to commencement of any other development
- Cycle parking facilities to be provided
- Visibility splays to be implemented and maintained
- EV charging points provided
- Garages must not be converted to living accommodation
- Details agreed for the disposal of surface water from the highway

Since the Area East Committee Resolution, the Highways Authority has also provided the following statement:

"Whilst the parking provision is not ideal as it has a heavy reliance on garage parking, the Somerset Parking Strategy (SPS) sets out that garage parking can be included in provision. The level of parking provided is in accordance with the Somerset Parking Strategy, in fact, there is an overprovision of visitor spaces.

As the application is in accordance with the SPS the Highway Authority do not, and cannot, object to the scheme on the grounds of parking provision, or indeed on any other highway grounds.

The Highway Authority consider that an objection on the grounds of parking levels is unreasonable and unsustainable. If the elected members wish to object on those grounds the Highway Authority could not assist in what they consider an inevitable appeal by the applicant. Furthermore, it is the opinion of the Highway Authority that such an appeal will lead to an Inspector overturning the Local Planning Authority decision and granting permission, and quite probably granting costs against the Council as the grounds for refusal are likely to be considered unreasonable by the Inspector.

Notwithstanding the above, in response to the concerns raised by the Area East Committee and its subsequent resolution, the scheme has been amended to provide an additional 7 visitor car parking spaces and convert 27 of the 48 garages into car ports, thereby increasing the overall amount of car parking and reducing the number of garages proposed.

The requirement for a CEMP has already been conditioned at outline so this will not be reiterated on the reserved matters application, although the Highway Authority and the Environmental Health officer have

both confirmed they are satisfied with the revised CEMP which routes vehicles away from the High Street.

Overall the development is considered to be acceptable in terms of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives the NPPF.

Layout, Scale and Design

An indicative plan was considered broadly acceptable at outline stage, showing 130 dwellings arranged centrally within the site around a loop road accessed from Woodhayes Way, with informal public open space bordering the countryside to the west, a SUDS basin to the south-east and a play area and wildlife pond fronting Stalbridge Road. In the details submitted for this reserved matters application, the maximum of 130 dwellings is proposed and the layout has been improved, with an area of open space and play facilities moved to be adjacent to the access on Woodhayes Way, more housing positioned close to Stalbridge Road creating a stronger frontage, and less built form on the rural edge of the site to the west. The new positioning of the LEAP is beneficial to both occupiers of the development but also occupiers of the existing dwellings on Woodhayes Way and beyond. The siting and orientation of the properties is well spaced out with the majority of units overlooking a public open space, attenuation pond or a green corridor that is to be maintained.

The market housing is proposed to be a mix of three and four bedroom properties, which is consistent with the latest Local Housing Needs Assessment for the SSDC area which indicated a requirement for 3-beds (59% of the LHNA) and 4-beds (20% of the LHNA) over one or two bedroom dwellings. The market housing consists of 38 three-bed properties and 46 four-bed properties. The affordable housing mix is consistent with the outline permission and proposes 16 no. one-bed flats, 17 no. two-bed dwellings, 12 no. three-bed dwellings and 1 no. four bed. The majority are proposed to be socially rented with some shared ownership.

In terms of scale, a consistent height of two-storey properties is proposed across the site, although five properties will also have rooms in the roof facilitated by rooflights. The properties are a mix of terraces, semi-detached and detached, with hipped and gable rooflines to create interest across the site. The details on the elevations, such as bay windows, lintels, contrasting brick at the eaves and large traditional door frames, also create interest and are considered to represent high quality design that reflects some of the more traditional properties in the area. Materials proposed are as follows:

- Forticrete SL8 Rooftile in either 'Sunrise Blend' or 'Slate Grey'
- Weber render in 'Chalk White'
- Forticrete Stone Shearstone in 'Light Ham'
- Weinerberger Blended Red Multi Gilt Brickwork
- Red Brick for feature detailing
- Buff Riven slabs for garden footpaths

It was noted by officers that the properties facing Stalbridge Road were a mix of white render and blended red brick, with a sunrise blend roof tile. It was suggested that these properties be amended so the elevations facing Stalbridge Road are finished in the reconstituted stone with brick detailing to reflect the majority of properties on Stalbridge Road. Amendments have been received to show this change. Each elevation plan lists the finish for each property and so conditioning the plans will ensure that the agreed materials are used to construct the development.

Comments have been received to state that the design does not take into account the Climate Emergency declared by South Somerset District Council in 2019. A revised Energy Report has been submitted to demonstrate that a number of measures will be incorporated into the design, including:

- Building fabric will be above the minimum standards using upgraded materials and increased insulation thickness, as described in section 2.3 of the report
- Air source heat pumps for all properties

- 100% Low-E lighting fixtures shall be fitted to all properties.

Subject to a condition ensuring that the development is considered to accord with policies EQ1 and EQ2 of the Local Plan.

Residential Amenity

New development will usually have some effect on the amenity of neighbours. These effects include impacts from loss of light, overshadowing, loss of privacy and overbearing impacts. In relation to privacy, the design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens.

An objection has been received stating that the development would overshadow Greys Cottage on Stalbridge Road. However, as this property is on the opposite side of Stalbridge Road from the proposed development there is unlikely to be any significant overshadowing. There is not considered to be any adverse impact on the amenity of any other adjoining occupiers by way of overshadowing, overlooking, or overbearing.

There would inevitably be some adverse impact on neighbouring occupiers by way of disturbance during the construction phase of the proposed development. However, a construction management plan has been conditioned to ensure that any such disturbance is kept to a minimum. Such disturbance would also be transitory and it is not considered that the disturbance would be significant enough to warrant refusal of the scheme.

In terms of the amenities of future occupiers of the site, it is acknowledged that there would be some indirect overlooking into neighbouring gardens, however this is common in residential areas. No properties have been located adjacent to the electricity substation to the south-east of the site, with the closest being approximately 38m away, and so it is not considered that any properties would be disturbed by the noise.

Therefore, subject to a construction management plan that has already been secured by condition, and notwithstanding local concern, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Public Right of Way

Right of Way WN 12/41 runs partly down the south-western boundary of the site and will be unaffected. Right of Way WN 12/25 runs across the site from the location of the proposed youth facilities to Stalbridge Road to the east. SCC's Rights of Way team have not objected subject to a Grampian condition preventing any obstruction to the Right of Way until a path diversion order has been made and confirmed.

Flooding and Drainage

Condition 8 of the outline permission requires a drainage strategy to be agreed prior to commencement. A drainage strategy was submitted, however there was insufficient information for the LLFA to make a substantive response. Condition 8 of the outline is therefore still outstanding and the developer will need to apply to discharge this condition prior to commencing on site.

Ecology and Vegetation

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside

Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The removal of a hedgerow to facilitate the development has been approved separately under application 22/00305/HDG, where the Council did not consider the hedgerow to meet the criteria for an 'Important Hedgerow' and so were unable to serve a Hedgerow Retention Notice. Condition 7 of the outline application required tree protection measures to be submitted and these have been agreed with the Council's Tree officer.

Somerset Ecology Services did not consider that there would be any harm to protected species at outline stage subject to biodiversity enhancements being secured as part of this reserved matters application. The outline application also conditioned that development takes place in accordance with the ecological report. The applicant has submitted an updated Ecological Appraisal dated March 2022, with updated mitigation proposals for the reserved matters layout, as well as a Landscape and Ecology Management Plan, which includes measures to improve biodiversity such as proposed tree, scrub and hedgerow planting, proposed grassland, attenuation basins, bat and bird boxes and providing habitat piles for reptiles. Subject to a condition to ensure these measures are implemented in accordance with the timescales proposed in the documents, there will be no adverse impact on protected species or biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

Contributions

The development would be CIL liable for £40 per square metres of residential floor space.

Accompanying the outline permission was a Section 106 Agreement dated 28th September 2018 which requires the payment of financial contributions towards the provision and maintenance of play facilities and open space, affordable housing and also towards early years places. The legal agreement also requires the provision and agreement from the County Highway authority of a Travel Plan. During the appeal for the outline application, provision of primary school places were also discussed however the Inspector concluded that the primary school would have enough places to accommodate the build and so the primary school contributions do not meet the tests in the Regulation 122 list.

The Council's Open Space officer and Strategic Leisure officer are both satisfied with the location and size of the proposed open space and play facilities and consider it reflects what was secured through the S106 agreement. Comments have been received raising concerns about anti-social behaviour at the youth facilities, and the public right of way is not busy enough to provide surveillance. This is noted however the specification in Annex 1 of the S106 agreement details skate park equipment and a sports wall for ball play surrounded by a low fence of not more than 1m if required. As the site will be fairly open, there would be sight lines from the nearest dwelling (plot 14) and longer distance views from plots 6-13. As a 40m buffer is required between the youth facilities and the closest dwelling to prevent disturbances, the location proposed does appear to be the most appropriate.

Amendments were sought to increase the size of some of the 3-bed affordable units following consultation with the Strategic Housing officer, so that they can more easily accommodate 6 person families. These changes have been made and the affordable housing mix is acceptable.

Other Matters

As previously discussed, the majority of objections relate to the principle of the number of dwellings or the wider highways concerns relating to condition 10 of the outline application. As outline permission has already been granted by the planning Inspectorate, these issues are outside of the scope of this reserved matters application.

Relevant conditions from outline planning application

The tree and hedgerow protection measures submitted are acceptable, however condition 7 of the outline application (17/03029/OUT) is still outstanding until the approved measures are installed and made available for inspection by the Council's Tree Officer.

The applicant has submitted a drainage strategy in accordance with Condition 8 of the outline planning permission, however the Lead Local Flood Authority have responded to state there is still insufficient information for them to respond. Therefore condition 8 of the outline is still outstanding.

Condition 9 of the outline required the submission of a Construction Management Plan. A CEMP was received as part of this reserved matters application and revised to take into account the requests of the local community to re-route construction traffic away from the village. Whilst the Environmental Health Team at SSDC are satisfied with the revised CEMP, the Highway Authority have requested that a CEMP is conditioned on the reserved matters. Whilst it is not appropriate to re-apply the condition again to this application, condition 9 of the outline is considered to be outstanding.

As previously discussed, condition 10 of the outline relating to wider highway works is also still outstanding until the developer applies to discharge or vary the condition under a separate application.

CONCLUSION

The principle of development has been established by the previous grant of outline approval, together with the means of access from Woodhayes Way. The proposed design, appearance, scale, layout and landscaping of the development would result in no significant adverse impact on the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

RECOMMENDATION

Approval.

01. The principle of development has been established by the previous grant of outline approval, together with the means of access from Woodhayes Way. The proposed design, appearance, scale, layout and landscaping of the development would result in no significant adverse impact on the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

SUBJECT TO THE FOLLOWING:

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

- 9493-PL01a Site Location Plan
- 9493-PL03e Proposed Site Plan
- 9493-PL04e Proposed Boundaries Plan
- 9493-PL05e Proposed Materials Plan
- 9493-PL06e Proposed Affordable Housing Plan

9493-PL07e Proposed Heights Plan
 9493-PL08e Proposed Waste Management Plan
 9493-PL09e Proposed Car Parking Plan
 9493-PL10e Proposed Car Charging Plan
 GTC-E-SS-0011_R2- 0_1_of_1 Substation
 501-100-01 (Rev G) General Engineering layout
 9336-L-01-08 Rev E Detailed Landscape Proposals
 9493-PL21d Proposed Site Sections 1 of 2
 9493-PL22d Proposed Site Sections 2 of 2
 9493-PL23d Proposed Street Elevations
 9493-PL25a Proposed Garages
 9493-PL26a Apartment Bin and Cycle Storage
 9493-PL27a Bin Collection Points
 9493-PL28a Garden Cycle Storage
 9493-PL29 Proposed Car Ports
 9493-PL30b Archford Type 1
 9493-PL31b Hadley Detached Type 1
 9493-PL32b Hadley Semi-Detached Type 1
 9493-PL33b Ingleby Type 1
 9493-PL34b Hollinwood Type 1
 9493-PL35b Kirkdale Type 1
 9493-PL36b Avondale Type 1
 9493-PL37b Holden Type 1
 9493-PL38b Type SH51 Type 1
 9493-PL40b Type SH53 Type 1
 9493-PL41b Type SH54 Type 1
 9493-PL42b Type SH55 Type 1
 9493-PL43b Type Z and Type 51 (Plots 79-81)
 9493-PL44b Type Z and Type 1BF (Plots 101-106)
 9493-PL45b Type Z and Type 1BF (Plots 107-110)
 9493-PL46a Archford Type 2
 9493-PL47a Hadley Detached Type 2
 9493-PL48a Ingleby Type 2
 9493-PL49a Hollinwood Type 2
 9493-PL50a Kirkdale Type 2
 9493-PL51a Avondale Type 2
 9493-PL52a Holden Type 2
 9493-PL53a Type SH51 Type 2
 9493-PL55a Type SH53 Type 2
 9493-PL56a Type SH54 Type 2
 9493-PL57 Type SH55 Type 2
 9493-PL58a Type Z and Type 1BF

- Reason: For the avoidance of doubt and in the interests of proper planning.
02. Prior to the occupation of the approved dwellings, the proposed roads, including footways and turning spaces where applicable, shall be constructed to a standard that ensures that the dwellings are served by a properly consolidated and surfaced footway and carriageway to at least base course level between each dwelling and existing highway.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

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

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

04. No construction of each of the components listed a)-r) below shall commence until plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction have been submitted to and approved in writing by the Local Planning Authority:

- a) estate roads
- b) footways
- c) tactile paving
- d) cycleways
- e) sewers
- f) retaining walls
- g) service routes
- h) vehicle overhang margins
- i) embankments
- j) visibility splays
- k) carriageway gradients
- l) drive gradients
- m) pedestrian and cycle routes and associated vehicular accesses and crossings,
- n) means of enclosure and boundary treatment,
- o) street lighting and street furniture,
- p) all new junctions,
- q) proposed levels,
- r) highway drainage

No dwellings shall be occupied until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

05. No development shall take place until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- o A plan to a scale of 1:1000 showing the location of all defects identified;
- o A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF. This information is required prior to commencement in order to prevent remedial works later on.

06. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 501-100-01 Rev G, and shall be available for use prior to commencement

of any other development. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

07. None of the approved dwellings shall be occupied until the cycle parking facilities shown on the submitted plans have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety and to encourage sustainable transport choices, to accord with policies TA1, TA5 and TA6 of the Local Plan and the provisions of the NPPF.

08. At the proposed access there shall be no obstruction to visibility greater than 600/240 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 501-100-01 Rev G) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

09. None of the approved dwellings shall be occupied until the electric vehicle charging points and parking bays shown on Drawing Number 9493 PL10 Rev E have been constructed. Thereafter, they must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety and to encourage sustainable transport choices to accord with policies TA1, TA5 and TA6 of the Local Plan and the provisions of the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall be made available for parking of domestic vehicles at all times and not be used for further residential accommodation at any time.

Reason: To ensure adequate parking provision in accordance with TA5 and TA6 of the Local Plan and the provisions of the NPPF.

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 prior to development above damp-proof course level and thereafter maintained at all times.

Reason: To ensure adequate highway drainage in accordance with policy EQ2, EQ7 and TA5 of the Local Plan and the provisions of the NPPF.

12. No development hereby approved which shall interfere with or compromise the use of footpath WN 12/25 shall take place until a footpath diversion order has been made and confirmed, and the diverted route made available in accordance with the agreed diversion order and maintained clear from obstruction in perpetuity.

Reason: In order to ensure the footpath remains available for public use in accordance with policy EQ2 of the Local Plan and the provisions of the NPPF.

13. Development must take place in strict accordance with the measures and timescales in Section 5 (Table 2) of the Ecological Appraisal by GE Consulting, dated March 2022, with the measures to be retained and maintained in perpetuity.

Reason: In order to ensure the development does not harm any protected species in accordance with policy EQ4 of the Local Plan and the provisions of the NPPF.

14. The approved landscaping and ecological enhancement scheme (proposed in plan reference no. 9336-L-01 Rev D, 9336-L-02 Rev D, 9336-L-03 Rev D, 9336-L-03 Rev D, 9336-L-05 Rev D, 9336-

L-06 Rev D, 9336-L-07 Rev D, 9336-L-08 Rev E and 1023-EEP-AE Rev 1) must be implemented in accordance with the timings detailed in Table 3 of the Landscape and Ecological Management Plan dated March 2022 by GE Consulting and thereafter permanently retained and maintained as such.

Reason: In the interests of visual amenity and biodiversity and to accord with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and the provisions of the NPPF.

15. Development must proceed in strict accordance with the measures to reduce carbon emissions detailed in the submitted energy report by Environmental Economics, including the improved fabric specification and the installation of Air Source Heat Pumps for all dwellings prior to first occupation.

Reason: In order to reduce carbon emissions from the development in accordance with policy EQ1 and EQ2 of the Local Plan and the provisions of the NPPF.

Informatives:

01. With regard to condition 11, any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
02. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that the developer contacts the Highway Authority to progress this agreement well in advance of commencement of development.
03. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
04. All conditions and informatives attached to the original grant of outline planning permission ref. 17/03029/OUT approved at appeal on 20th November 2018 still apply and must be read and complied with in conjunction with this approval of reserved matters unless superseded by any conditions imposed on this reserved matters permission.
05. 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 1 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. Please complete and return Form 6 Commencement Notice.