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# Regulation Committee

**Tuesday 17th September 2019**

**10.00 am**

**Council Chamber  
Council Offices  
Brympton Way  
Yeovil, BA20 2HT**

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



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Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 9 September 2019.

*Alex Parmley, Chief Executive Officer*



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

# Regulation Committee Membership

The following members are requested to attend the meeting:

**Chairman:** Peter Gubbins  
**Vice-chairman:** Tony Capozzoli

Jason Baker  
Neil Bloomfield  
Adam Dance  
Henry Hobhouse

Tony Lock  
Sue Osborne  
Crispin Raikes  
David Recardo

Paul Rowsell  
Andy Soughton  
William Wallace  
Colin Winder

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# Information for the Public

## Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

## Public Question Time

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

## Planning Applications

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 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 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.

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

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

## **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>

# Regulation Committee

**Tuesday 17 September 2019**

## Agenda

### *Preliminary Items*

**1. Minutes**

To approve the minutes of the previous meeting held on 20<sup>th</sup> August 2019.

**2. Apologies for Absence**

**3. Declarations of Interest**

**4. Public Question Time**

**5. Planning Application 18/01737/OUT Land South of Kithill Crewkerne (Pages 6 - 25)**

**6. Planning Application 19/00801/FUL Land North of Creech View Dropping Lane Bruton (Pages 26 - 32)**

**7. Exclusion of Press and Public (Page 33)**

**8. Confidential Report (Pages 34 - 83)**

**9. Date of Next Meeting**

The next scheduled meeting of the Regulation Committee will be held on Tuesday 15<sup>th</sup> October 2019 at 10.00am. However this meeting will only take place if there is business to conduct.

# Agenda Item 5

## **Officer Report On Planning Application: 18/01737/OUT**

<b>Proposal :</b>	Outline application for residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road.
<b>Site Address:</b>	Land South Of Kithill Crewkerne (nearest postcode TA18 8JD)
<b>Parish:</b>	Crewkerne
<b>CREWKERNE (SSDC Member) Ward</b>	Cllr R Pailthorpe Cllr M Best Cllr B Hodgson
<b>Recommending Officer: Case</b>	Andrew Gunn
<b>Target date :</b>	4th September 2018
<b>Applicant :</b>	Mr James Tizzard
<b>Agent: (no agent if blank)</b>	Pegasus Planning Group Ltd First Floor, South Wing Equinox North, Great Park Road Almondsbury Bristol BS32 4QL United Kingdom
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### **REASON FOR REFERRAL TO REGULATION COMMITTEE**

Area West committee considered this application at their meeting held on the 21st August 2019. It was resolved to reject the officer's recommendation to approve the application and instead refer the application to Regulation Committee with a recommendation of refusal for the following reasons:

1. Cathole Bridge Road by reason of its restricted width is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015).
2. The proposal is contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015) since the increased introduction of conflicting traffic movements onto Cathole Bridge Road, such as would be generated by the proposed development, would be prejudicial to highway safety.
3. The submitted traffic survey is not sufficient for the Local Planning Authority to make a full assessment of the traffic impact of this proposal.

At the Area West meeting, the officer reported to members that The Highway Authority had written to the case officer, following the submission of highway mitigation works along Cathole Bridge Road, to confirm that they raised no objection to the application subject to conditions.

The case officer has also been informed that following criticism from members about the fact that the applicant's traffic survey was undertaken on one day only, an additional traffic survey is being undertaken. A Statement of Common Ground is also being agreed with the County Highway Authority. In addition, local residents are also undertaking traffic surveys. An oral update will be given to members at committee in respect of these additional surveys.

The original report considered by Area West members is outlined in full below:

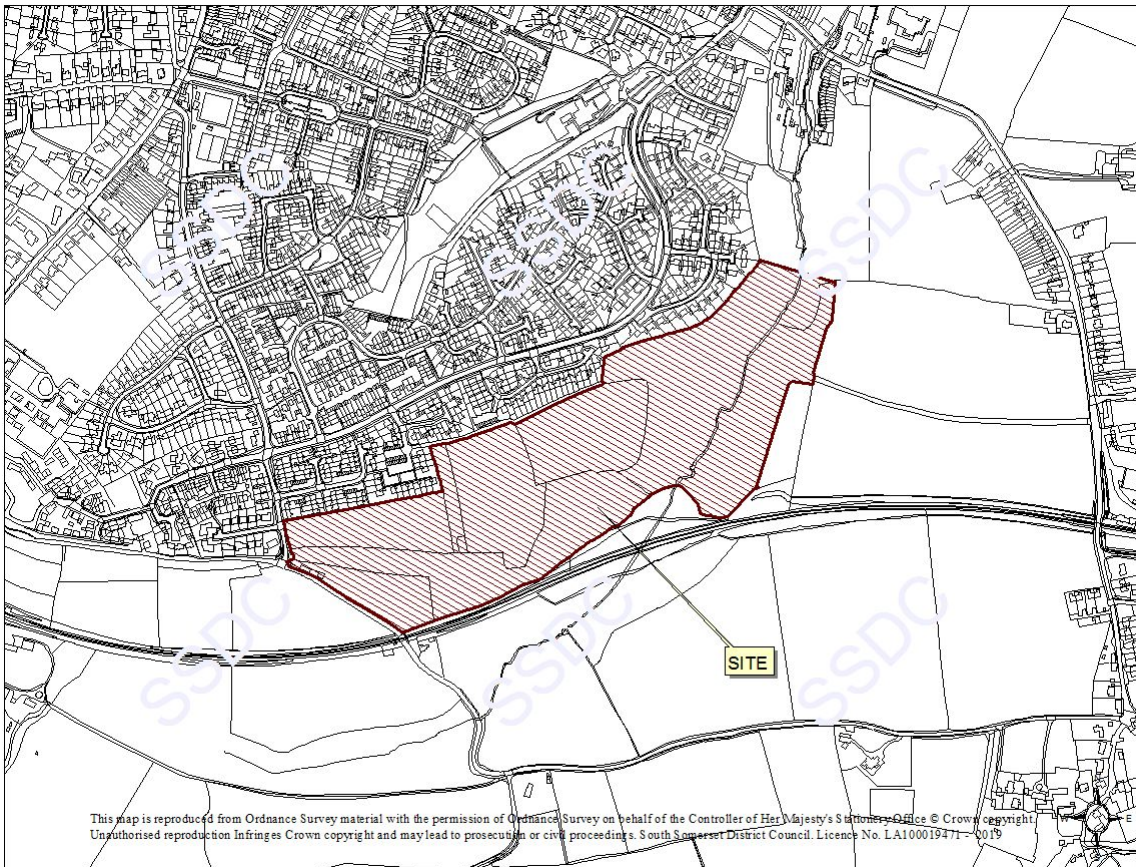
### **REASON(S) FOR REFERRAL TO COMMITTEE**

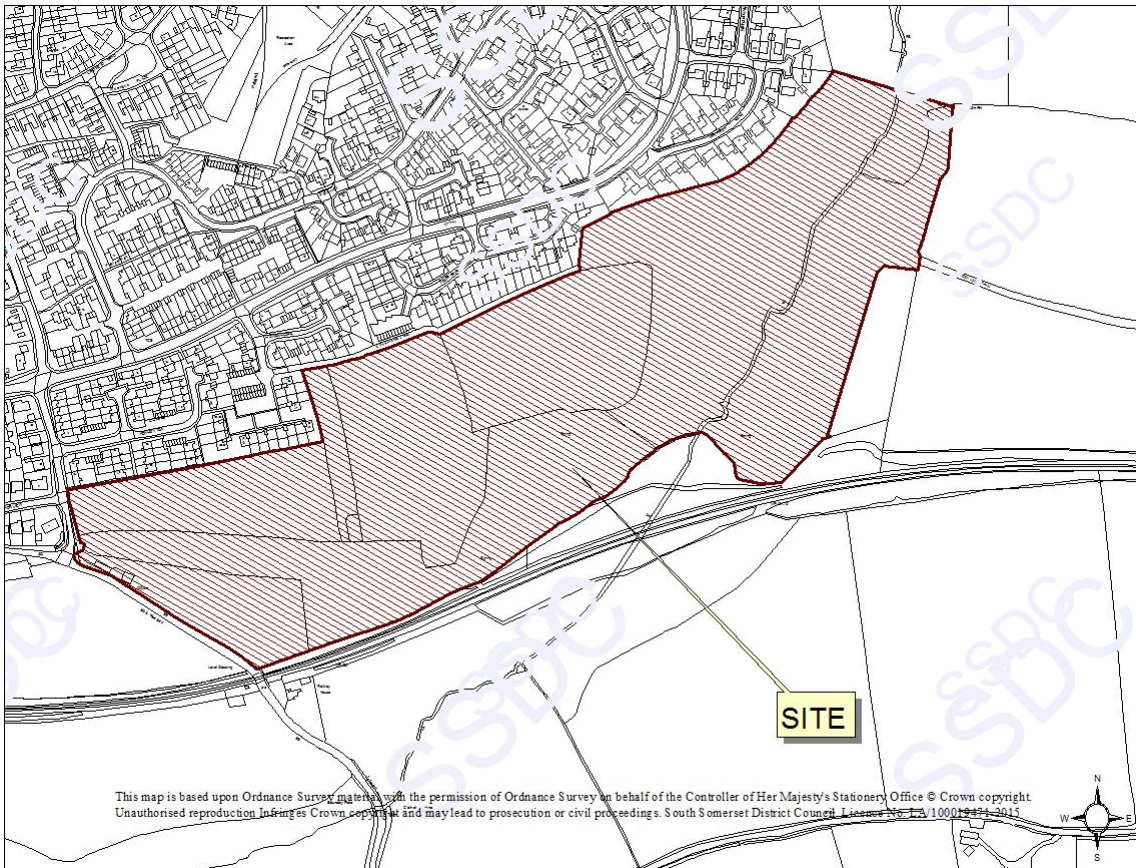
This application is referred automatically to Area West Committee as it is a proposal that exceeds 4 hectares and therefore constitutes a major-major application.

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 is located on existing fields on the southern edge of Crewkerne, adjoining existing residential development to the north with sloping fields to the south. The railway line runs parallel with the site in the valley to the south. The total application area comprises over 15 hectares covering 9 fields. The proposed residential developable area will cover 3.8 hectares and include 3 of those fields. Public Rights of Way run through the site to the south of the proposed developed area.

## PROPOSAL

The application seeks outline consent for up to 150 dwellings, access from Lang Road, public open space, landscaping and associated works. The means of access is sought for approval at this stage with all other detailed matters relating to scale, layout, landscaping and appearance, reserved for any subsequent future reserved matters application.

This current application has been supported by a Design and Access Statement, Affordable Housing Statement, Draft Heads of Terms, Planning Statement, Transport Statement, Travel Plan, Landscape and Visual Impact Assessment, Flood Risk Assessment and Drainage Strategy, Ecological Statement and a Tree Constraints Appraisal and Plan. The Transport Statement has been subsequently updated during the course of the application. A site plan, illustrative masterplan and proposed access arrangement plans have also been submitted.

The scheme proposes access from Lang Road opposite the junction with Manor View with an emergency access point to be provided along the northern side of the site onto the lane that runs parallel with the application site, to the south of Seaborough View and Cowen Close. The submitted illustrative masterplan shows a main estate road running through the site with a series of smaller cul-de sacs being formed. Cycling and pedestrian links will be created to run throughout the development and those will link to existing footpaths and public rights of way on all boundaries of the site. This will provide links to the town, open space and the train station. The scheme will also provide allotments, woodland enhancement, street tree planting, green corridors and an orchard. 2 water attenuation areas will also be



created towards the eastern end of the site.

## **HISTORY**

No planning history.

## **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

HG3 - Provision of Affordable Housing

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

EQ2 - General Development

EQ4 - Biodiversity

### Relevant Policy Material Considerations

National Planning Policy Framework

Adopted Somerset County Council Parking Standards

## **CONSULTATIONS**

### **Crewkerne TC:**

Crewkerne Town Council have considered planning application 18/01737/OUT (Land south of Kithill, Crewkerne), including the amended plans issued on 19 October 2018 and on 24 June 2019.

In summary, the Town Council recommends refusal of this planning application on the grounds that it is an unsustainable location, both in terms of traffic impact on an already inadequate highways network and the lack of any associated improvements to local infrastructure.

These points are set out in more detail below.

#### 1. Traffic impact

1.1 The Town Council strongly supports the position put forward by Highways in their letter of 22 August 2018, where they state the following:

- o "this planning application would represent a significant traffic impact on Cathole Bridge Road that could potentially represent a severe highway safety concern"
- o "Cathole Bridge Road by reason of its restricted width is considered unsuitable to serve as a

means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset District Local Plan." o "The proposal is contrary to Section 9 of the NPPF and Policy TA5 of the South Somerset District Local Plan since the increased introduction of conflicting traffic movements onto Cathole Bridge Road, such as would be generated by the proposed development, would be prejudicial to highway safety."

1.2 The Town Council supports the Highways' analysis that 57% of development traffic would use Cathole Bridge Road and considers that the estimate of 9% put forward by the applicant is grossly understated.

1.3 The junction of Lang Road and Cathole Bridge Road has very poor visibility and the vision splay of the junction of Cathole Bridge Road and Lyme Road, from the direction of Roundham, is so poor as to be positively dangerous. The Town Council is extremely concerned that the increased traffic generated by the proposed development would further compromise safety at these junctions.

1.4 The Town Council are strongly critical of the so-called "improvements" to Cathole Bridge Road put forward by the applicant in the 24 June 2019 amendment, which consist merely of formalising the currently informal passing places and in cutting back of verges to attempt to marginally widen the available carriageway and increase visibility. The fact remains that Cathole Bridge Road is already wholly unsuitable as a carriageway for vehicles and this will be greatly exacerbated by the increase in traffic caused by the proposed development.

1.5 The Town Council is very concerned that there is only one access road into this development as this could compromise the ability of emergency vehicles to gain access to the development. The Council is also concerned that the access road is on the brow of a hill and, as a result, has very poor sightlines.

1.6 The Town Council consider it wholly unsatisfactory that the traffic survey conducted was very cursory, being undertaken over one day only, and that the traffic assessment uses data from the 2011 census.

1.7 The railway crossing on Cathole Bridge Road would cause increased traffic to back up onto the bend of Cathole Bridge Road.

## 2. Infrastructure

The Town Council is very concerned that the town's existing infrastructure is barely coping, as evidenced by the fact that:

- There is frequently severe traffic congestion in the town centre.
- The schools are full.
- The GP surgery is struggling to meet demand.
- Public transport bus links are sparse.

The Town Council does not therefore support application 18/01737/OUT as it would mean 150 additional dwellings with no supporting infrastructure. With no additional local employment opportunities, many of the working-age residents of these 150 dwellings will need to travel by car to neighbouring towns for employment.

### **Misterton Parish Council: (adjoining PC) (First response)**

Misterton Parish Council has looked at this application as a neighbouring parish. The Councillors have asked me to write and register their concerns regarding the potential impact of this development on traffic levels through the village of Misterton. As you will be aware, Misterton supports an already extremely high volume of traffic through the village and the exit of traffic from this development will put pressure on Cathole Bridge Road, which is a small, single lane road and inevitably raise the volume of

traffic in Misterton quite considerably.

Further comments received following submission of off-site highway works and updated Transport Assessment:

Misterton Parish Council met last night and considered this application as the neighbouring Parish. The Parish Councillors continue to oppose this application, supporting Crewkerne Town Council's refusal of the application last week. The reason for this is that Cathole Bridge Road is simply not an appropriate road for the increase in traffic associated with this development. The proposed upgrade of 'trimming' vegetation is not a significant enough amendment to make this suitable access for the development and, the PC believes, is prejudicial to highways safety. There is restricted width the entire length of the road, with poor visibility and difficult passing places. The increased volume of traffic along Cathole Bridge Road towards Misterton has significant implications for congestion and pollution levels in the village. The Parish Council would be grateful if you could ensure their comments are added to the portal.

**County Highway Authority: (First response)**

I refer to the above-mentioned planning application received on 9 July 2018 and after carrying out a site visit on 18 July 2018 have the following observations on the highway and transportation aspects of this proposal:-

This is a planning application for 150 dwellings on land to the south of Kithill. This planning application proposes to utilise the existing access but make improvements to the access for this development. For the avoidance of doubt, the Highway Authority are making a recommendation of refusal for this planning application to the Local Planning Authority and the reasons are set out below.

The Highway Authority have made a comprehensive review of the Transport Assessment (TA) and the TA fails to demonstrate that the traffic impact from this development will not be severe.

Looking at the trip distribution of the proposed development, this should be revised to reflect the likely route of traffic to Yeovil, Chard & Ilminster via Cathole Bridge Road. The baseline traffic flows and traffic flow assessments are out of date and not considered representative when assessing the traffic impact from this planning application. The site access junction has not been fully capacity assessed.

In its current form and until an appropriate assessment is conducted, it is the opinion of the Highway Authority that a recommendation of refusal on traffic impact grounds is considered appropriate.

When looking at the approach roads, the Highway Authority has significant concerns with the approach road along Cathole Bridge Road. From my onsite observations, it was apparent that Cathole Bridge Road is narrow in its nature and there are parts where two way vehicle movements are difficult. Taking the proposed level of vehicle movements that the development would likely generate, it is the opinion of the Highway Authority that this planning application would represent a significant traffic impact on Cathole Bridge Road that could potentially represent a severe highway safety concern and would therefore be contrary to section 9 of the National Planning Policy Framework (NPPF) published July 2018.

Taking the above information into account, the Highway Authority would recommend refusal of this planning application for the following reasons (in no particular order):

1. Cathole Bridge Road by reason of its restricted width is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset District Local Plan (adopted March 2015).
2. The proposal is contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy

TA5 of the South Somerset District Local Plan (adopted March 2015) since the increased introduction of conflicting traffic movements onto Cathole Bridge Road, such as would be generated by the proposed development, would be prejudicial to highway safety.

3. The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal.

Officer comment and update to County Highway response/advice.

Following receipt of the above response from the Highway Authority, the applicant submitted an addendum to the Transport Assessment. The Highway Authority confirmed that they were satisfied with the information and that the Transport Assessment is satisfactory. However, still raised concerns in respect of the approach roads, particularly Cathole Bridge Road. A couple of weeks after receiving this letter, the Highway Authority wrote to the case officer again to clarify their position. The Highway Authority stated that they do not wish to raise an objection to the application, however does have concerns with the potential increase of vehicle movements along Cathole Bridge Road. It is therefore a matter for the LPA to consider if there is an overriding need for the development that outweighs the concern.

At that juncture, without any proposed improvements to the off-site highway network, the change in Highway Authority advice was difficult to fully comprehend. The impact on highway safety was originally clearly considered to be significantly adverse to warrant a recommendation of refusal. There may be a need for housing but this should not be at the expense of identified highway safety issues that warranted refusal of the development.

The case officer sought the advice of the Council's highway consultant. He undertook his own site visit and surveyed the level of traffic and assessed the width and alignment of Cathole Bridge road and the key junctions. His main concern was in regard to the distribution of traffic. The applicant was stating 9% of development traffic would use Cathole Bridge Road, whereas the Highway Authority concluded it would be 57%. The Council's Highway Consultant assessed it at around 30% or 27 vehicles in the peak hour.

As a result of this assessment and the concerns about the traffic impact of the development, the applicant was asked to assess whether mitigation works could be undertaken to Cathole Bridge Road and the junction with the B3165. Consequently, the scheme has been amended to include the widening of the carriageway in certain sections to provide a minimum width of 4.8metres to allow the passing of a car and a large vehicle, 3 formalised passing places and the introduction of two priority sections of road. In regard to improving the visibility at the junction with the B3165, this is now proposed to be widened giving splays of up to 90 metres to the south west and 120 metres to the north east.

**County Highway Authority: (off site highway works)**

Comments are awaited in regard to the proposed off-site highway works and Transport Assessment addendum. An oral update will be given at committee in respect of any response received.

**Ecologist:**

I broadly agree with conclusions and recommendations of the Ecological Assessment (Ethos Environmental Planning, April 2018). The fields themselves aren't considered to be of any significant importance, but the boundary hedges are a 'priority habitat for the conservation of biodiversity' (Natural Environment and Rural Communities Act 2006), and are also used by dormice and commuting/foraging bats, both of which are European Protected Species subject to the provisions of the Habitats Regulations 2017.

The main open space part of the site is part of Kithill County Wildlife Site. This is designated due to being a 'complex of semi-natural broadleaved woodland, scrub, unimproved calcareous, neutral and

marshy grassland'. The proposals mostly retain the boundary hedges and the County Wildlife Site. Significant impacts have therefore been minimised.

Dormice are principally arboreal, are reluctant to cross open ground, and aren't generally found within urban environments. Therefore, despite retention of the majority of boundary hedges, some of these (particularly those that will be 'internal' to the development) will be unlikely to support dormice post development. These hedges are unlikely to be of any significant importance on a landscape scale, and the impact is therefore likely to be of local significance only.

However, to ensure planning policy and legislative requirements are met, I recommend compensation planting suitable for dormice will be required. The illustrative masterplan indicates new woodland planting within the open space. Provided the details of this new planting and other mitigation measures are consistent with the recommendations of the Ecological Assessment, then I'm satisfied that the Habitats Regulations test of 'maintaining favourable conservation status' will be retained.

In conclusion, I consider the proposed layout minimises ecological impacts, and that necessary mitigation and compensation for protected species could feasibly be delivered, to ensure that relevant legislative and policy requirements are satisfied. I therefore have no objections.

I recommend the following further details should be provided/addressed for the reserved matters application:

1. Full details of compensation habitat planting for dormice should be provided to demonstrate that the Habitats Regulations test of 'maintaining favourable conservation status' is satisfied (these details will require subsequent consultation to the county ecologist).
2. Landscape planting proposals within the County Wildlife Site should avoid any existing 'priority habitats', such as unimproved grassland.
3. Landscape proposals should be consistent with the recommendations in the Ecological Assessment. Although it isn't clear, the illustrative masterplan suggests a more formal landscape treatment of the hedge in the vicinity of point 5 (play area). For ecological and landscape impact reasons, I recommend the entire south and east boundary (save for a minimum number of pedestrian access points) should be native hedgerow, increased in width where it's thin, and managed infrequently, to provide functional and connected habitat for protected species and naturalistic landscape screening.
4. The following species should not be included in planting proposals. (a) Ash, due to Chalara (ash dieback disease); (b) Rowan doesn't naturally occur locally and doesn't do well on local soils; (c) Silver birch doesn't naturally occur locally.

In due course (e.g. for submission and approval by condition), I recommend the following:

1. A Management Plan for the open space, due to being a County Wildlife Site containing 'priority habitats and species', and legally protected dormice.
2. Full details of measures to 'incorporate biodiversity improvements in and around developments' (NPPF para. 175 (d)).

#### **Somerset Wildlife Trust:**

No objection to the scheme and have noted the supporting ecological statements. Concerned about the possible negative impacts on the adjacent Kithill Local Wildlife Site and therefore support the recommendations in the submitted Ecological Assessment.

#### **Lead Local Flood Authority: (LLFA) (first response)**

Whilst we acknowledge this is an outline application, and welcome the comments within the FRA to consider a full range of SUDS at detailed design, we question the feasibility and appropriateness of what has been proposed at this stage.

The site is located within a steep catchment, the development site would likely receive off site surface water flows and may form part of an overland flow route. This type of flooding is relatively shallow, but could be of higher velocity due to the steep site. The FRA should consider this risk and provide details of how the site would be designed to intercept and manage any off site flows. The development must remain safe and demonstrate no increase in risk to any third parties.

Part of the site has shown to be suitable for soakaways through initial testing. However, the soakaway report mentions the steepness of the site and suggested infiltration techniques might not be appropriate in certain areas of the site as they could cause slope instability. The FRA does not consider whether this risk is applicable to the areas where infiltration techniques are being proposed.

The remaining part of the site is proposed to drain to attenuation ponds, which in terms of SUDS is acceptable, but some consideration is needed as to how and where these are located given the topography to ensure their operation and ongoing maintenance. Attention should be paid to designing a drainage scheme that slows flows and provides a treatment element to improve the water quality prior to discharge.

The applicant is reminded that any proposed discharge to the ordinary watercourse, including any works and structures, would require Land Drainage Consent in addition to planning permission. We recommend that the above should be provided prior to the LPA granting permission.

Officer comment:

In response to the above advice from the LLFA, discussion was held between the LLFA and the applicant's drainage consultant. Further information was submitted and the LLFA confirmed that they were happy with the information provided for this stage of planning, but recommend a detailed drainage condition to ensure an appropriate SUDS design is forthcoming with any subsequent detailed planning application.

In addition, following the submission of details in respect of the off-site highway works, the LLFA advised that they would expect any increase to impermeable areas to be included within the drainage strategy for the site. Also suggest a suitable surface water drainage condition be applied to the application to ensure viable scheme for the lifetime of the development.

#### **County Rights of Way: (summary)**

No objection. There is a potential need to improve the adjacent rights of way due to the possible increased use and a financial contribution sought. Advice provided as to preferred pedestrian links from the development to connect to the existing rights of way. One preferred link would be located towards the centre of the site along the southern boundary and 2 connections at the eastern end of the development.

Following further discussion and request for clarification as to what financial contribution and practical works work may be sought, the Rights of Way Officer confirmed the following: 'The arrangement where the path exits the enclosed lane (eastern end opposite train station) and enters the field towards the development requires improving with a pedestrian gate, or a field gate being unlocked and serviceable. Also we request £15k for local footpath improvements, with the balance refundable 10 years after completion/full occupation. This would primarily be to improve the enclosed lane (if and when it might need it subject to demand). The terrain is too hilly to achieve anything more significant.

#### **County Archaeologist: (original response)**

The site lies within an area of archaeological potential as shown by geophysical surveys that have identified prehistoric settlement very close to the proposal site. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a desk-based assessment and a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128).

Officer comment:

Following receipt of the above advice/response, the applicant's archaeologist contacted the County Archaeologist. Following advice, the applicant undertook fieldwork, under the supervision of the County Archaeologist, including digging of trenches to ascertain the nature of any archaeological remains. Prehistoric pottery and animal bones were found in parts of the site. The County Archaeologist has requested that an archaeological watching brief condition is attached to any consent.

**County Education:**

A proposal for 150 homes in this location would generate the following number of pupils:

5/100 x150 = 7.5 Early years (8)

23/100 x150 = 34.5 (35) 1st school places

15/100 x150 = 22.5 (23) middle school places

9/100 x 150 = 13.5 (14) upper school places

This application site is in the school catchments area for the following schools:

St Bartholomew's First school, Maiden Beech Middle School and Wadham secondary. Our Early years commissioning team has advised me that they do require Early years spaces. St Bartholomew's First school is at capacity, also

Maiden Beech is close to capacity, therefore we will require contributions towards these education providers in the area so that they would be able to improve facilities to enable higher numbers of pupils to attend.

Price per pupil has been recently updated in accordance with actual build costs of schools in Somerset so is currently:

Early years and 1st School= £17,074

Middle school =£20,967.50

Therefore Somerset County Council would require the following education contributions;

43 places at £17,074 = £734,182 for early years and 1st school providers in the area

23 places at £20,967= £482,241 for middle schools in the area.

As there are currently spaces in the upper school, we will not require contributions for that education provider.

Housing Officer:

35% affordable housing split 80:20 social rent: intermediate product.

This would equate to 53 of the currently proposed 150 dwellings with the following split: 43 for social rent and 10 for other intermediate affordable housing solutions.

9 x 1 bed flat

2 x 2 bed flat

26 x 2 bed houses

14 x 3 bed houses

2 x 4 bed parlour house (available at a social rent)

The affordable homes should be spread throughout the site and in clusters of no more than 12 units and each cluster contains some social rented dwellings. The rented units will be expected to be made available to anyone registered on Homefinder Somerset.

### **Community Health and Leisure:**

A total of £333,507 is sought towards the following:

£127,320 (plus £73,542 commuted sum) - Equipped play - on site LEAP

£25,000 - (plus £9,243 commuted sum) - Youth facilities - off site contribution towards expansion/enhancement of the skate park at Happy Valley Park.

£59,179 (plus £35,921 commuted sum) - Playing Pitches - off site contribution towards enhancing pitches at either a school site or recreation ground within Crewkerne.

Officer comment: Commuted sums are sought to provide for future maintenance of those facilities over a 10 year period.

### **Open Space (summary)**

The amount of open space shown on the 'Illustrative Framework Plan' identifies an amount of Public open Space far in excess of that required for a development of this size. We are really encouraged by the plans provided for this development; the inclusion of a green entrance to the site, street tree planting and green corridors throughout the site breaking up the built form, as well as orchard tree planting and an allotment site are all great and welcome features which make this a well-designed development, appropriate and significant for the area.

The proposed footpath links through the further areas of open space to the south and east of the site help connect the development to its surrounding areas and to Crewkerne, the town, itself, and we would be encouraged to see these areas still used for grazing as this creates a well-managed, low maintenance area, full of native wild flowers and wildlife.

We are also encouraged by the attenuation features on site that not only serve a required function for the development but have been allocated and designed to incorporate them within the site, making them an attractive feature for the residents.

We have no objections to this application progressing, and look forward to seeing it develop.

Designing out Crime Officer:

No objection. Design advice provided that should be taken into account if outline consent is granted and a subsequent detailed application is submitted.

### **REPRESENTATIONS**

50 letters/emails have been received with 48 raising objections and 2 making representations.

A summary of the objections are as follows:

- Harmful impact to the character and appearance of the countryside.
- Loss of view and privacy to adjacent properties
- Loss of property value
- Harmful impact to ecology and wildlife.
- Development in this location has not been mentioned previously.
- Highway safety issues particularly the increased use of Cathole Bridge Road.
- Cathole Bridge Road is used as a rat run to avoid the town centre and the development will increase the number of vehicles using the road.
- It is largely single width with passing places and not suitable for additional traffic.
- Junction of Cathole bridge road and Lyme Road not safe.
- Cars have to reverse/backup to allow oncoming vehicles to pass.
- Increased danger to pedestrians/cyclists who use the lane.
- Do not agree with submitted highway statements that say few occupants will use Cathole Bridge Road.



- Will anything be proposed to improve safety of Cathole Bridge road and its junctions.
- Increased traffic on Lang Road and other local roads - they can't cope with additional traffic.
- Access into site is poor and a different access should be used. Access is too close to junction with Cathole Bridge Road which is substandard.
- Add to existing parking problems on local roads and in the town.
- Bus services have been cut, thus private vehicles will be only genuine option.
- Would impact on the main water pipe that passes through the field to the school.
- No more houses are needed in the town.
- Local facilities and infrastructure cannot cope with additional housing.
- Town needs more facilities
- Lack of employment opportunities.
- Increased flooding risk on site and to properties on lower ground.
- Redevelop previously used sites and CLR before greenfield land
- Steep gradient to the train station.
- Loss of valuable recreation space
- Harmful impact to residential amenity due to construction activity, particularly to residents in Manor View
- Lack of information regarding layout of the scheme

The 2 letters/emails making representations/general observations commented upon redeveloping brownfield sites/buildings, exacerbate existing traffic problems and harmful impact on character of area.

14 letters/emails have been submitted in response to the updated Transport Assessment and proposed off site highway works. Comments made are that these additional proposals do not address their original concerns about the highways impact of the proposals not only along Cathole Bridge Road but impact on other local roads and junctions. Previous points about the lack of appropriate infrastructure in the town are reiterated.

## **CONSIDERATIONS**

### **Principle of development**

Crewkerne is identified as one of the 4 Primary Market Towns in South Somerset sitting below Yeovil in the Council's settlement strategy in the adopted Local Plan. Objections have been received to the application concerned that the town either does not require any further housing or that it has inadequate facilities to cope with additional housing. The town does benefit from a wide range of services and facilities and is considered to be a very sustainable location for new housing development.

With the lack of delivery of the CLR site and any other major schemes in the town, Crewkerne has delivered very little housing in recent years. It is a contributing factor, along with other major sites in the district, as to why the District Council is not able to demonstrate a 5 year supply of deliverable housing land. For these reasons, the principle of development is considered to be acceptable. An assessment therefore has to be made about whether there are any significant adverse impacts that warrant refusal.

### **Highways and parking**

The proposed scheme will have a single point of vehicular access from Lang Road. This will be located opposite the entrance to Manor View, where the junction will be redesigned to incorporate a raised table crossroad junction. The supporting information explains that this raised table will act to provide a natural pedestrian priority and reduce vehicle speeds across the junction. Dropped kerbs, tactile paving and speed ramps will be instated on each arm of the junction to improve pedestrian mobility and safety.

The layout design of the internal roads will adhere to the principles of "Manual for Streets" by providing a choice of direct routes for pedestrians and cyclists that follow key desire lines and will connect with

existing routes leading to the town centre, adjacent residential areas, recreational open space or the train station. The access road into the site will be a 5.5m wide carriageway with a 2.0m footway on each side. Improvements to pedestrian facilities will also include a potential enhancement to the Kithill footpath that leads to the north of the site, off Cowen Close. This will also work as a secondary vehicular access to the site for emergency vehicles. Traffic calming features along the Principal Street will help provide low vehicular speeds throughout the development.

Since the original submission of the application, and as will be noted above in this report, additional improvements have been sought by the LPA along Cathole Bridge Road and at its junction with the B3165. These include the widening of the carriageway in certain sections to provide a minimum width of 4.8metres to allow the passing of a car and a large vehicle, the introduction of two priority sections of road where this width cannot be achieved, and improvements to the junction of Cathole Bridge Road and the B3165.

It is clear that the main issue in regard to this application is the highway impacts of the scheme, particularly in regard to the increased use of Cathole bridge Road but concerns also about the safety of the proposed access into and out of the site from Lang Road as well as increased use of other local roads.

The Transport Assessment (TA), as amended, has been assessed by the Highway Authority. Following the applicant undertaking further surveys/assessments of a number of local junctions, and trip distribution, the Highway Authority are now satisfied with the TA. Thus, they do not raise an objection to the overall traffic impact on the local highway network. However, whilst having originally objected to the scheme due to the substandard nature of Cathole Bridge Road and conflicting vehicle movements along this road, the Highway Authority whilst still raising concerns about the potential for increased vehicle movements along Cathole Bridge Road do not raise an objection to the scheme. However, as outlined earlier in this report, both the case officer and the Council's highway consultant retained concerns about the traffic impact along Cathole Bridge Road.

The overall level of traffic to be generated by the development is not in dispute. However, the Local Planning Authority's main issue is the distribution of traffic to and from the site. In other words, what would be the preferred/likely routes to various destinations for future drivers. The applicant considered that the use of Cathole Bridge Road would be at around 9% whilst the HA considered it much higher at around 57%. The Council's Highway consultant advised around the 30% mark - this would mean the equivalent of an additional 27 vehicles in the peak hour. Given the existing need to wait/give way or reverse to allow vehicles to pass, this would represent a significant increase in vehicles in the peak hour and increased safety concerns.

The District Council's consultant advised the case officer to ascertain whether any improvements could be made to Cathole Bridge road to mitigate the likely traffic impact. Moreover, to seek improvements to the junction with the B3165. Following discussions with the Highway Authority and applicant, further work was undertaken and additional off site highway works proposed.

In respect of improvements along Cathole Bridge Road, the widening of the carriageway in certain sections to provide a minimum width of 4.8metres to allow the passing of a car and a large vehicle, 3 formalised passing places and the introduction of two priority sections of road is considered to be an improvements over and above the existing situation. This would provide benefit to all future road users not just future development users. In regard to improving the visibility at the junction with the B3165, this is now proposed to be widened giving splays of up to 90 metres to the south west and 120 metres to the north east.

Given that the Highway Authority had not objected to the scheme prior to the submission of these additional off-site highway works, it is not expected that an objection would be forthcoming but their comments are awaited. An oral update will be given at committee.

In light of the Highway Authority's current recommendation and securing the off-site highway mitigation, as advised by the Council's Highway consultant, it is considered unreasonable to object to the scheme on highway safety grounds or conclude that the highway impact would be severe. On that basis, there is no objection to the scheme on highway grounds.

In regard to parking provision, this is one of the detailed matters that would be submitted for approval at the reserved matters stage.

### **Landscape**

Local concerns have been raised about the adverse visual landscape impact that would occur with development on this site. Clearly, a proposed development of this scale on the edge of the town has to be carefully assessed to ascertain whether the landscape impacts are acceptable to allow consent or significantly adverse to warrant refusal of the scheme.

In 2008, the Council's former landscape officer undertook a Peripheral Landscape Study, the various reports of which are available on the Council's website. This study was undertaken in response to the need to identify appropriate sites for both housing and employment development as part of the then emerging local plan process. The study focused upon the major settlements in the district including Crewkerne. The three fields south of Kithill which are proposed in the current application for housing, were included as part of the study. The conclusion of the study was that the site has a moderate to high capacity to accommodate built development. The site was therefore placed in category 2 out of the 5 landscape capacity categories with 1 being least sensitive and 5 being most sensitive in landscape terms. Residential development would therefore be acceptable but with a strong, integrated landscape buffer to the area's southern edge.

The Landscape and Visual Impact Appraisal (LVIA) submitted with the application concludes along similar lines as the Council's study that the proposed development can be satisfactorily accommodated on the site without significant adverse harm to the landscape. It concludes that development should be restricted to the 3 fields only with no development on the slopes to the south. In regard to the latter, those areas will be left as public open green space. The retention of the existing southern hedgerow boundary on the edge of the residential development must be retained. In addition, significant additional planting will be undertaken, including woodland enhancement, to supplement the current landscaping and to ensure the strong landscape buffered southern edge as specified by the recommendations of the landscape study.

On the basis of the above, it is concluded that there is no principle objection on landscape grounds to the proposed development. Any future detailed scheme that is submitted however must adhere to the principles outlined in the LVIA and the Council's landscape study to ensure that its landscape impact is acceptable and adequately mitigated.

### **Flooding/Drainage**

Concerns have been received about the potential for flooding, particularly in regard to properties located on lower ground level as a result of this development. The site is located in Flood Zone 1 which means that it is at the lowest risk from flooding from sea or river sources. However, assessments have to be made to ascertain the most appropriate way to deal with surface water to ensure that the development does not increase the risk of surface water flooding off site. As the site exceeds 1 hectare, a Flood Risk Assessment was undertaken and submitted with the application.

The infiltration testing results, confirmed that about two thirds of the developable area is considered suitable for the use of infiltration-based Sustainable Urban Drainage systems (SuDS). The proposed dwellings are likely to have individual geocellular soakaways located within garden areas. Permeable paving could be used for drive ways and private roads. Any adoptable roads would drain to their own geocellular soakaway located beneath areas of public open space. If additional storage is required, there is sufficient open space in the layout to include an infiltration basin.

The other third of the developable area is not considered to be suitable for infiltration-based SuDS. Therefore, attenuation-based SuDS, comprising attenuation basins will be used with a discharge to the watercourse located to the south-east. The watercourse is located within the site boundary and, therefore, no additional rights will be required. The proposed drainage strategy would ensure that surface water runoff rates for the proposed development would be limited to greenfield rates for the operational lifetime of the development. As outlined earlier in the report, the LLFA confirmed that they were happy with the information provided for this outline stage, but recommend a detailed drainage condition to ensure an appropriate SUDS design is forthcoming with any subsequent detailed planning application.

The applicant consulted with Wessex Water to confirm capacity within the local foul sewerage network to serve the proposed development. The supporting information confirms that Wessex Water have indicated that an approximate 100m length of sewer within Lang Road would need upsizing, to allow connection to Kingswood Road to the north. It is likely that a pumping station will be required to connect to the foul sewer given the topography of the site.

On the basis of the above, it is considered that the scheme can adequately deal with foul and surface water. Specific details will be required to be submitted at any reserved matters stage and shall be conditioned accordingly.

### **Ecology**

Concerns have been raised about the ecological impacts of the proposed development. An ecological survey was undertaken and report submitted as part of the application. This habitat survey identified the hedgerows as the most important ecological feature on site. Protected species surveys confirmed the presence of nesting dormice, commuting/foraging bats, breeding birds, and potential presence of hedgehog and badgers. The proposed ecological mitigation includes woodland and hedgerow planting, and creation of wildlife ponds.

The Council's Ecologist has assessed the proposal, the ecological report and the proposed range of mitigation. He advises that the fields themselves aren't considered to be of any significant importance, but the boundary hedges are a 'priority habitat for the conservation of biodiversity'. These are used by dormice and commuting/foraging bats, both of which are European Protected Species subject to the provisions of the Habitats Regulations 2017.

The main open space part of the site is part of Kithill County Wildlife Site. This is designated due to being a 'complex of semi-natural broadleaved woodland, scrub, unimproved calcareous, neutral and marshy grassland'. The proposals mostly retain the boundary hedges and the County Wildlife Site. Significant impacts have therefore been minimised.

The Ecologist has recommended compensation planting suitable for dormice. Provided the details of this new planting and other mitigation measures are consistent with the recommendations of the Ecological Assessment, he is satisfied that the Habitats Regulations test of 'maintaining favourable conservation status' will be retained. In conclusion it is considered that subject to conditions to secure appropriate and identified ecological mitigation, the proposed layout minimises ecological impacts. Accordingly, there is no objection to the outline scheme on ecological grounds.

### **Other matters**

Concern has been raised about the impact to local residents during the construction phase of the development, particularly those who live opposite the site entrance at Manor View. A condition shall be attached to any consent to agree a construction management plan to include works at the site entrance to ensure that local residents, particularly those that live and others that need to access Manor View are not inconvenienced during access works.

## **SECTION 106 PLANNING OBLIGATION**

The application be approved subject to:

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

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution of £333,507 towards the provision of sport, play and strategic facilities,
- 3) Contribution of £1,216,423 towards education provision;
- 4) Submission of a Travel Plan;
- 5) Provision and maintenance of open space;
- 6) Provision and maintenance of compensatory ecological habitat, and
- 7) Contribution of £15,000 towards local footpath improvements.

## **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

This development is liable for CIL at a rate of £40per sqm. A note shall be attached to any consent in respect of the CIL requirement.

## **RECOMMENDATION**

Grant permission.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, access arrangements and landscaping.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

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

Drawing numbers: Site location plan, 4264-002 rev A, and 4264/0093 rev A.

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

05. 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.

Reason: To protect residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; 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. In respect of the areas of open space, a management Plan for the open space, shall be submitted to the Local Planning Authority as part of any reserved matters application.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan.

07. 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 been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological interest are safeguarded to accord with the NPPF.

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

Reason: To ensure that the development is properly drained to accord with the NPPF.

09. Before any of the construction starts on any of the dwellings hereby permitted, details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the area to accord with Policy EQ2 of the South Somerset Local Plan.

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

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

11. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water

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

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

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

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

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

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

14. 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.

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

15. The area allocated for parking and turning shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

16. 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 doors are of a roller shutter/sliding/inward opening type.

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

17. 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 doors are of an up-and-over type.

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

18. No work shall commence on the development site until the developer has submitted and had approved by the Local Planning Authority details of the highway works to be provided along Cathole Bridge Road. No part of the development hereby permitted shall be occupied until the approved footway has been constructed.

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

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

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

20. At the proposed access 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 4264/003 Rev A. 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 Policy TA5 of the South Somerset Local Plan.

#### **Informatives:**

01. Please be advised that subsequent full or reserved matters approval 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.

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

02. 2 Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible



for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

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

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
  
- If the work involved in carrying out this proposed development would:
  - make a PROW less convenient for continued public use; or
  - create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

03. In respect of ecology, the applicant is advised of the following in respect of any reserved matters application that may be submitted:

1. Full details of compensation habitat planting for dormice should be provided to demonstrate that the Habitats Regulations test of 'maintaining favourable conservation status' is satisfied (these details will require subsequent consultation to the county ecologist).
2. Landscape planting proposals within the County Wildlife Site should avoid any existing 'priority habitats', such as unimproved grassland.
3. Landscape proposals should be consistent with the recommendations in the Ecological Assessment. Although it isn't clear, the illustrative masterplan suggests a more formal landscape treatment of the hedge in the vicinity of point 5 (play area). For ecological and landscape impact reasons, I recommend the entire south and east boundary (save for a minimum number of pedestrian access points) should be native hedgerow, increased in width where it's thin, and managed infrequently, to provide functional and connected habitat for protected species and naturalistic landscape screening.
4. The following species should not be included in planting proposals. (a) Ash, due to Chalara (ash dieback disease); (b) Rowan doesn't naturally occur locally and doesn't do well on local soils; (c) Silver birch doesn't naturally occur locally.

04. The applicant will be required to enter into a suitable legal agreement or license 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 or license well in advance of commencement of development.

# Agenda Item 6

## **Officer Report On Planning Application: 19/00801/FUL**

<b>Proposal :</b>	Demolition of existing garages and the erection of a new dwelling with carport.
<b>Site Address:</b>	Land North Of Creech View Dropping Lane Bruton TA10 0NQ
<b>Parish:</b>	Bruton
<b>BRUTON Ward (SSDC Member)</b>	Cllr Lucy Trimnell
<b>Recommending Case Officer:</b>	David Kenyon
<b>Target date :</b>	16th May 2019
<b>Applicant :</b>	Mrs Jane Coombes
<b>Agent: (no agent if blank)</b>	Mr Roger Gallannaugh Plox Studio Plox Bruton Somerset BA10 0EF
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### **REASON FOR REGULATION COMMITTEE REFERRAL**

This application has been two-starred (\*\*) in line with the scheme of delegation and is referred to the Regulation Committee following the resolution of the Area East Committee, at its meeting on 14th August 2019, to approve the application contrary to the officer recommendation. This referral is due to the remote rural location of the site, the lack of justification for approval and to ensure consistency of decision-making across the district.

The Area East Committee has resolved, unanimously, to approve the application for the following reasons:

1. The distance to the Town Centre is the same as other developments at Cuckoo Hill.
2. The site is not remote due to it being adjacent to 4 other properties.
3. There are safe means of pedestrian access to the Town Centre.

# SITE DESCRIPTION AND PROPOSAL



The site is located in open countryside, to the south west of Bruton, 300m south of Dropping Lane. The site is accessed via an unclassified highway linking the farmyard area with Dropping Lane. The site currently forms part of the garden of Creech View one of several former barns, now in use as dwellinghouses, around a main farmhouse.

The application is made for planning permission for the demolition of a set of garages, and erection of a new dwelling. It is also proposed to provide a carport for the future occupiers of the proposed development, and provide a parking area for use of the occupiers of Creech View, to the south. The proposed dwelling would comprise single and two-storey elements, with a barn type appearance, and would be constructed from a mix of timber cladding, natural stone and render, with slate roof

## **HISTORY**

The following history relates to a variety of buildings within the complex of barn conversions adjoining the site;

18/01427/FUL: Raise level of existing roof, installation central heating system and associated insulation improvements. renewal and replacement of doors and windows approved with conditions 20/06/18

12/01259/S73: Application to remove condition 3 of planning approval 890692 dated 10/05/1989 (holiday accommodation for the disabled) approved with conditions 15/10/2012

03/02634/FUL: Changed of use from holiday let to permanent residential; let 15/09 2003

951577: The election of a building to provide two holiday units for disabled 21/03/1996

895611: Conversion of barn to a dwelling Conditional permission 23/01/1989

891798: Alterations to elevations and extension of barns to be converted into 2 dwellings conditional approval 09/09/1989

890692: Conversion of barn into holiday accommodation for the disabled conditional approval 10/05/1989

890531: Conversion of barn to 2 dwellings conditional permission 10/05/1989

861549: The conversion of store rooms into a dwelling conditional permission 12/08/1986

49824: Erection of overhead power lines deemed approval 27/09/1960

## **POLICY**

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

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

SD1, SS1, SS2, SS4, SS5, TA5, TA6, EQ1, EQ2, EQ4, EQ5

National Planning Policy Framework

Chapters 2, 4, 5, 8, 9, 12, 14, 15

National Planning Practice Guidance

Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## CONSULTATIONS

**Bruton Town Council:** Recommend approval.

**SCC Highway Authority:** Standing Advice Applies.

**SSDC Highway Consultant:** I recall providing comments recently on a proposal for a new dwelling in the approximate location of this site. I recall mentioning the suitability of this site in terms of safe and convenient accessibility and connectivity by all modes of transport, the width of the lane to the site and its ability to accommodate two-way traffic, and the standard of the junction where the lane meets the public highway, particularly in respect of visibility splays. I note the comments the agent has made in the supporting letter but any evidence relating to previous permissions, appeal decision letters, etc., need to be provided by the agent so that they can be assessed in relation to the current scheme.

**Wessex Water:** No objections.

**SW Heritage Trust (Archaeology):** The application area lies immediately north of the site of the deserted medieval village of Discove. It is therefore possible that this proposal may impact upon remains relating to medieval occupation. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted:

*"Programme of Works in Accordance with a Written Scheme of Investigation (POW) 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 investigation, 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."*

**SSDC Ecologist:** Following consideration of information provided in respect to the construction of the garages to be demolished, no comments are made.

## REPRESENTATIONS

None

## CONSIDERATIONS

### Principle of Development

In policy context, national guidance contained within the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless one or more of a certain set of circumstances are met." Paragraph 78 of the NPPF also states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Policy SD1 of the South Somerset Local Plan (2006-2028) also recognises that applications should be considered in the context of the presumption in favour of sustainable development.

Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which policy SS1 states "will be considered as part of the

countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

*"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:*

- *Provides employment opportunities appropriate to the scale of the settlement; and/or*
- *Creates or enhances community facilities and services to serve the settlement; and/or*
- *Meets identified housing need, particularly for affordable housing.*

*Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."*

In this case, the application site lies within a small group of dwellings, many of which are converted former farm buildings, approximately 1 km to the south west of Bruton, the nearest large settlement with access to essential key services. Otherwise the site is remote from key services, and is therefore subject to the same degree of protection as the open countryside. It is therefore considered to be unsustainable by virtue of its distance from key local services. Furthermore, there are no footpaths from the site along the B3081, which is a busy main road, approaching Bruton. As such, any occupiers would be reliant on the use of a motor vehicle, unless they wished to walk along an unpaved and unlit stretch of this classified highway, which would clearly not be desirable from a public safety point of view.

The applicant carried out pre-application negotiations with the Local Planning Authority, in which it was advised that a planning application for new housing in this location would not be supported. Nonetheless an application has been made, in which the applicant seeks to justify the proposal on the basis that it is not remote. It is further suggested that the development of a gallery and restaurant to the north west of the site, approximately halfway between the site and the edge of Bruton, has provided a permanent pedestrian link to the town, which is easily accessible from the site. In response, it is acknowledged that the distance is not considerable, and the site is not 'isolated due to its close relationship to other built development, however it is still not deemed to be a suitable site for new residential development, having particular regard to the accessibility for future residents to essential services. The reference to the nearby gallery is noted, however any access between this site and Bruton is still reliant on an unlit public footpath, with future occupiers of the application site still having to walk some distance, and cross the busy B3081, before reaching this footpath.

For the above reason, the proposed development of the site is not considered to meet the aims of sustainable development identified within the Local Plan and NPPF.

### **Highway Safety**

In assessing highway safety, the County Highway Authority has advised that Standing Advice should apply. The Council's Highway Consultant has offered further comment, noting that he had previously commented on an application, questioning the connectivity of the site, along with the width of the access track and the quality of the junction onto the B3081. Notwithstanding this, it is acknowledged that several households already use these existing access arrangements. It is not considered that an additional household would generate sufficient increase in vehicle movements to represent a severe impact on highway safety. Therefore subject to the imposition of appropriate highway related conditions, should permission be granted, the proposal is not considered to be unacceptable from a highway safety point of

view.

### **Scale, Design and Appearance**

The proposed development comprises a relatively large four bedroom property, with a two storey element to the north, and single storey element projecting southwards. It is proposed to be constructed with a mix of timber cladding, natural stone and render, with slate roofing.

The majority of the buildings within the small group of dwellings in the immediate location, are converted barns, which this proposal seeks to replicate to a degree. Overall, the proposed design and scale is considered to be acceptable, as such, there are no objections in principle to the proposed dwelling in terms of appearance. Similarly, the site is relatively large so as to accommodate the proposed dwelling comfortably.

Overall, the proposed development is considered to be acceptable from a visual perspective.

### **Residential Amenity**

The proposed development is sited at a reasonable distance from the nearest properties so as to prevent any overshadowing or overbearing impact. Furthermore, the openings have been designed to avoid any direct overlooking.

### **Other Issues**

It is noted that the site is within the vicinity of a deserted medieval village. While not raising an objection, the SW Heritage Trust have requested that an appropriate condition be imposed to any permission requiring the investigation of any archaeological remains.

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). An appropriate informative will be added, advising the applicant of their obligations in this respect, should permission be granted at a later date.

### **Planning Balance**

It is noted that the District Council's is currently unable to satisfactorily demonstrate a five year land supply. As such, development proposals should be considered in the context of the National Planning Policy Framework, which states that policies, such as Local Plan policy SS2, should be considered out of date, as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless *1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

In giving this consideration, it is noted that there will be some minor benefits, in particular in providing a dwelling to meet district-wide demand, however this is considered to be significantly outweighed by the lack of suitability of this location, which is remote from key local services.

### **Conclusion**

Notwithstanding the Council's lack of five year land supply, the proposed development is considered to be unacceptable by virtue of the remoteness of the site from key local services.

The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development, as highlighted within both the South Somerset Local Plan, and the NPPF.

## RECOMMENDATION

Refuse

### FOR THE FOLLOWING REASON(S):

01. The proposal would represent new residential development in an isolated rural location, for which an overriding essential need has not been justified. By virtue of distance and lack of safe means of pedestrian access, the application site is poorly related to local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework.

### Informatives:

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant did enter into pre-application discussions, in which the LPA's concerns in respect to unsuitable location of the site were raised. Despite this, an application was made contrary to the advice given. Notwithstanding this, there were no minor or obvious solutions to overcome the significant concerns caused by the proposal.

02. Please be advised that any subsequent approval of this application by appeal 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.

In the event of an approval at appeal, you would be required to complete and return Form 1 Assumption of Liability as soon as possible after the grant of permission 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.

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



# Agenda Item 7

## **Exclusion of the Press and Public**

The Committee is asked to agree that the following item (agenda item 2) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3: "Information relating to financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

# Agenda Item 8

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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