

## **Officer Report On Planning Application: 18/03298/OUT**

<b>Proposal :</b>	Outline application for residential development of up to 24 No. dwellings, access via the existing Fox and Hounds Public House access, provision of orchard, public open space and associated infrastructure.
<b>Site Address:</b>	Land Rear Of Public House Broadway Road Charlton Adam (nearest postcode TA11 7AU)
<b>Parish:</b>	The Charltons Parish Council
<b>Northstone, Ivelchester &amp; St Michaels Ward (SSDC Member)</b>	Councillor Tony Capozzoli, Councillor Charlie Hull Councillor Paul Rowsell
<b>Recommending Case Officer:</b>	David Kenyon
<b>Target date :</b>	8th January 2019
<b>Applicant :</b>	Mr & Mrs Simon Small & Emma James & Sarah Stanley
<b>Agent: (no agent if blank)</b>	WYG Planning Hawkridge House Chelston Business Park Wellington TA21 8YA
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### **Reason for referral to Regulation Committee**

The Area East Planning Committee considered this application at its meeting held on the 11th September 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. Inadequacy of existing sewerage system to cater for increased foul water and effluent disposal generated by the proposed residential development and unacceptable resultant pollution risks.
2. Inadequate means of access and visibility splays onto Broadway Road to serve the proposed residential development.
3. Unacceptable danger to public safety due to the inadequate nature of the highway network within the village to serve the proposed residential development and the resultant increase in traffic, contrary to Local Plan policy TA5.

Following the vote, Members raised further reasons in relation to Policy SS2 (lack of community support) and the reiteration of reasons 1 and 3 that were attached to the previous refusal of planning permission relating to application reference 16/05458/OUT which it was hoped would be considered by the Regulation Committee when reaching its decision. However no formal vote was taken by the Area East Committee to resolve to agree to these additional reasons.

During the Committee debate, reference was made to late letters from third parties objecting to and in support of the proposal. These have been placed on the website for public information. In addition, the agent's letter dated 9th September, addressed to Area East Committee Members, which responds in detail the various late objections received has been placed on the website for information and consideration.

In response to a specific matter raised about land ownership over the car park, subsequent to the

Committee meeting a letter has been received from the brewery confirming that there is a legal agreement in place for the right of way over the car park in perpetuity that can be transferred to a third party if the application land is sold to a developer. This in turn allows future purchasers to have access in perpetuity.

The original report considered by the Area East Committee is set out in full below. The summary of points raised in late letters of representation are included within the "representations" section and the wording of condition 27 has been amended to reinforce the fact that access is the only matter to be considered in detail as part of this application submission, with other considerations such as appearance, landscaping, layout and scale of development being shown on submitted drawings for illustrative purposes only.

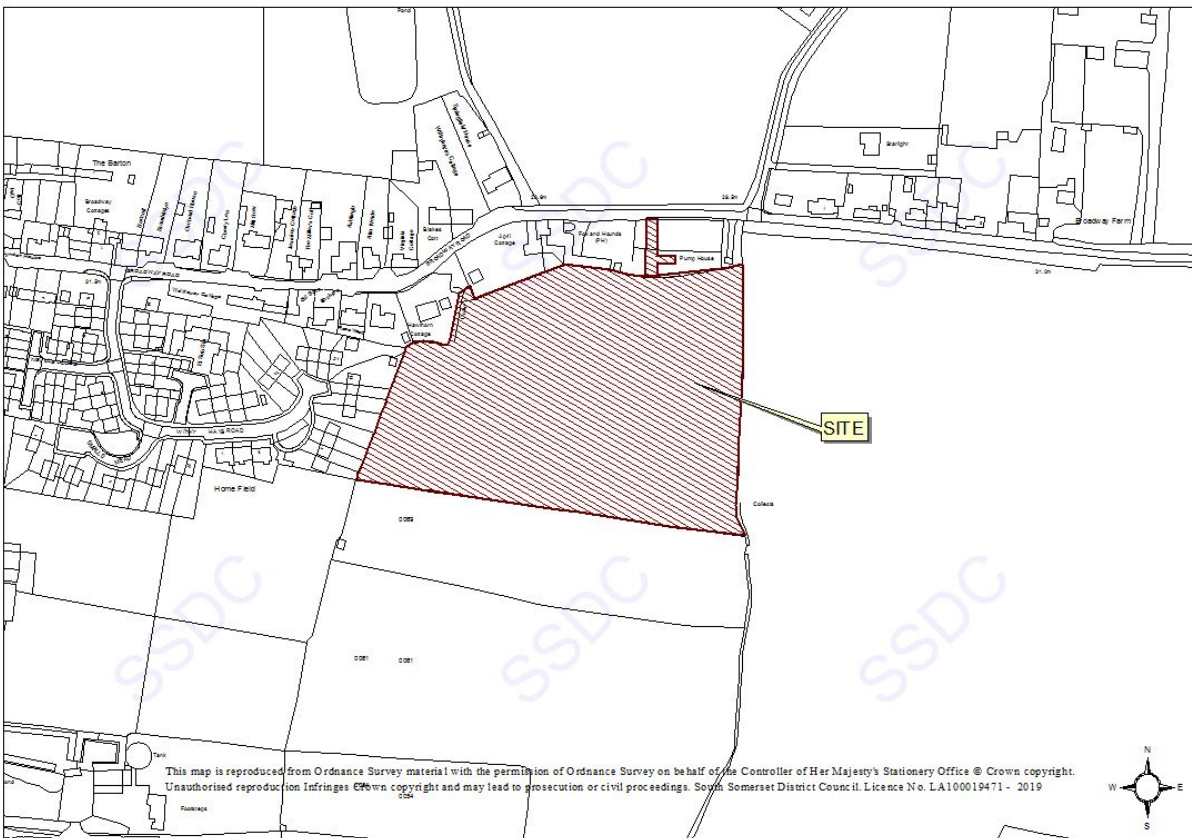
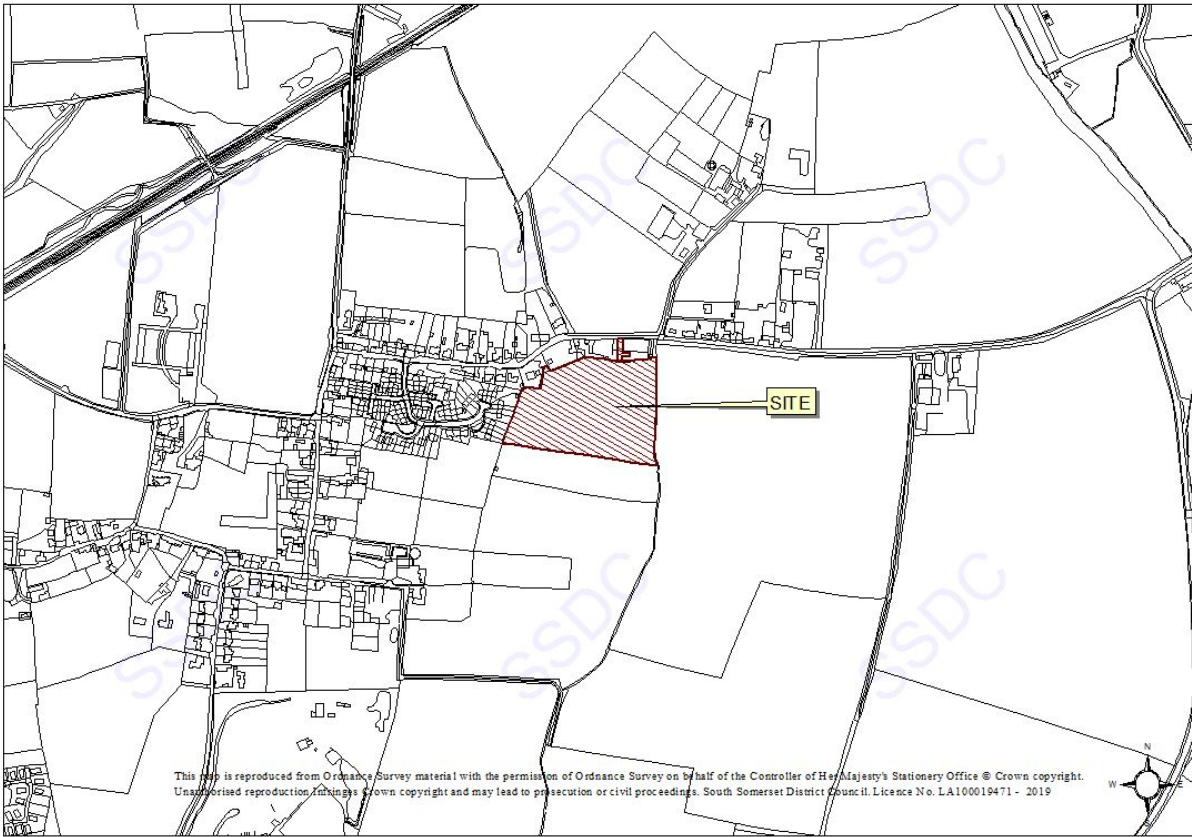
## **REASON FOR COMMITTEE REFERRAL**

This application is referred to Area East Committee for determination at the request of one Ward Member, and with the subsequent agreement of the Area Chair.

Reasons stated for Committee debate include the Parish Council views, to assess the impact on the village environment and the fact housing has been allowed opposite the site which was supported.

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 AND PROPOSAL**

The application site comprises agricultural land extending to just under 2.5 hectares and is located at the eastern edge of the village of Charlton Adam. Charlton Adam forms one of a number of local settlements within The Charltons Parish, which together comprise a range of existing services including The Fox and Hounds Public House (to the north of the application site), The Church of St Peter and St Paul, Charlton Adam Post Office Stores, Charlton Mackrell Primary School, two community halls and a memorial ground.

Directly to the north of the application site lies the Fox and Hounds Public House and Broadway Road, the main vehicular route through the village. To the west, the application site is bounded by a drainage ditch and the residential cul-de-sac estate of Withy Hayes Road. Drainage ditches also run along the southern and eastern boundaries of the application site along with hedgerows and agricultural fields beyond. A public right of way runs along the eastern boundary of the application site.

The proposal seeks outline planning permission for residential development of up to 24 dwellings and construction of an access via the existing Fox and Hounds Public House access, provision of an orchard, public open space and associated infrastructure. All details in relation to appearance, landscaping, layout and scale are reserved for consideration at the detailed application stage and are not to be considered as part of this outline application. Details are sought to be agreed for access as part of this application, and this is proposed to be achieved by extending the existing access from Broadway Road (which currently serves The Fox and Hounds Public House) further south into the application site.

The following documents are included within the application submission:

- Planning, Design and Access Statement,
- Statement of Community Consultation,
- Otter and Water Vole Survey Report,
- Bat Activity Report,
- Hazel Dormouse Presence/ Likely Absence Report,
- Great Crested Newt Survey Report,
- Badger Activity Survey Report,
- Flood Risk Assessment and Drainage Strategy, and
- Transport Statement and Technical Notes.

An illustrative layout (proposed site layout drawing no. 0571-PL-SITE-002 Rev A) has also been submitted, together with detailed access drawings nos. A096493\_SK03 Rev D and A096493\_SK04 Rev B.

## **RELEVANT HISTORY**

### **Application Site**

16/05458/OUT. Outline application for residential development of up to 26 no. dwellings, associated parking, landscaping and construction of access at Land south of the Fox and Hounds Public House, Broadway Road, Charlton Adam.

Refused 02.07.2017 for the following reasons:

*1. The proposed in-depth development by reason of the site's relationship to the existing built form - the spread and dis-aggregated traditional linear character of Charlton Adam - is not commensurate with the scale and character of the settlement, while it is seen neither reinforces local distinctiveness or respects local context. As such the proposal is contrary to local plan policy EQ2 and SS2 of the South Somerset Local Plan 2006- 2028.*

2. *The proposed development by reason of the development's projection, extension and consolidation of built form through the creation of an access to the east, beyond the settlement's built form south of Broadway and the erosion of the separateness of the secondary settlement of Broadway from that of Charlton Adam is to the detriment of character, visual appearance and local distinctiveness. As such the proposal is contrary to local plan policy EQ2 of the South Somerset Local Plan 2006- 2028.*

3. *The proposed road junction south of Broadway opposite residential dwelling(s) by reason of its location would result in unacceptable harm on the living conditions and amenities enjoyed by adjacent occupants in particular 1, and 2 Broadway by disturbance and interference arising from the introduction and sustained levels of traffic movement contrary to policy EQ2 of the South Somerset Local Plan 2006-2028 and paragraphs 14 and 17 of the National Planning Policy Framework.*

4. *It is not satisfactorily demonstrated given the lack of a road safety audit stage 1 that the proposed vehicular access arrangement, given the substandard road width, the shared surface use made of the road, following the indications of the traffic surveys undertaken by the community, offers sufficient certainty that the proposal would secure an inclusive, safe and convenient access for all. Without such certainty the proposal would have a severe impact on highway safety and is therefore contrary to Policy TA5 of the South Somerset Local Plan 2006- 2028 and para.32 of the National Planning Policy Framework.*

#### **Land North of Broadway Road**

16/02353/OUT. Outline application for the development of 8 dwellings with all matters reserved except access. Land opposite Fox and Hounds, Broadway Road, Charlton Adam.  
Approved 31.03.2017.

18/02002/REM. Application for Reserved Matters following approval of 16/02353/OUT for the erection of 8 dwellings to include details of appearance, scale, layout and landscaping. Land opposite Fox and Hounds, Broadway Road, Charlton Adam.  
Approval of reserved matters 05.07.2019.

#### **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)**

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ1 - Addressing climate change in South Somerset

EQ2 - General development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure

### **National Planning Policy Framework (February 2019)**

Regard shall also be had to the NPPF, in particular:

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

### **National Planning Policy Guidance**

#### **Other Relevant Documents**

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

The Charltons Community Plan 2017, (incorporating The Charltons Design Statement (1998))

- Guideline HD1 - Housing Stock volume
- Guideline HD2 - New dwelling Types
- Guideline HD3 - Future Housing Development
- Guideline HD4 - Housing for Older People
- Guideline HD5 - Affordable/Social Housing
- Guideline HD6 - Parking at new Developments
- Guideline NE1 - Footpaths
- Guideline NE2 - Street Lighting
- Guideline CL2 - Youth Club
- Guideline CL3 - The Community Hall & Memorial Playing field

## **CONSULTATIONS**

### **The Charltons Parish Council**

There have been several very detailed responses provided by the Parish Council, both in terms of its initial consultation and also subsequent consultations following receipt of additional information from the agent. These are available for inspection on the website but can be summarised as follows.

#### *Minutes of the Extraordinary Parish Council (PC) Meeting held on Tuesday 27th November 2018*

The PC considered that the four reasons for refusal of the previous application 16/02353/OUT had not been adequately addressed. The applicants, by attempting to address the reasons for refusal, had effectively made the reason for refusal at No.4 significantly worse by having an even more severe impact on highway safety. The PC considers that the four reasons for refusal remain extant, which would still cause considerable harm to the hamlet of Broadway and the village of Charlton Adam for the following reasons:

(a) Safety - Vehicular Access through Fox and Hounds Pub Car Park.

There is the considerable hazard of traffic/pedestrian conflict of the pub car-park and the new road. The

new access road through the pub car park would not provide the secure, inclusive, safe and convenient access on foot, cycle and by public and private transport that addresses the needs of all as required by South Somerset's Local Plan Policy TA5.

(b) Destruction of Character and Landscape.

The proposal is not sensitive to its environment with regard to scale or character and is still considered to be 'estate' development and could not even be regarded as infill. The Charltons has traditionally developed in a linear fashion, as in the recently approved eight houses opposite the Fox and Hounds, across the road from this proposed site. While Neville Close is a departure from traditional linear arrangement, to a large extent the village retains a well-defined linear lay-out.

The cumulative impact of this proposal taken together with the recent permission to build 8 houses to 'in-fill' the north side of Broadway would result in an overly large swathe of near continuous development concentrated in one small part of the village, to the further detriment of character, historical settlement form, appearance and local distinctiveness of Charlton Adam, which should be kept separate from the hamlet of Broadway. This development would effectively merge them and, upon first entering the village, would give the appearance of an urban development, significantly altering the existing character and appearance of the village approach and surrounding area. Therefore, development on this site would result in significant harm to the existing character and appearance of the area, and so would be contrary to the local distinctiveness and landscape character protection aims of LP Policy EQ2.

(c) No reference has been made in the submitted planning documents of the Charltons Community Plan (CCP), which was endorsed on 4th April 2018 by SSDC Area East Committee and to be used as supplementary planning guidance and as a material consideration when local planning applications are assessed.

(d) Archaeology.

The applicant should be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the NPPF (paragraph 199).

(e) Ecology.

The site is effectively a water meadow at the lowest point in the parish, which as well as absorbing most flooding, provides a rich environment for bats, badgers, water voles, dormice and birds. Great crested newts were also identified within a pond 170m south of the site boundary. The dormouse and great crested newts are European Protected Species and priority species for the conservation of biodiversity, which the NPPF and SSLP policy EQ4 seeks to conserve. The Parish Council concurs with the Somerset Wildlife Trust's recommendation regarding Mitigation and Enhancement and minimising light pollution.

(f) Traffic Generation - Highway Safety.

The Road Safety Audit, intended to address planning refusal No. 4, is considered to be flawed and unrepresentative. It does not take into account the future development of eight dwellings with approval under PA 16/02353/OUT, which will be built directly opposite the site and was not carried out a peak hours.

There are no opportunities for sustainable travel, public transport is very limited and owning a car is considered almost essential in the parish. Each property would most likely add an additional 2/3 cars to the already limited and narrow Broadway Road, therefore, traffic on Broadway is likely to increase by 40% when taking into consideration the 8 dwellings with approval opposite the site. Since both surveys were carried out, traffic has noticeably increased, most likely due to the increase in internet shopping and deliveries, which will only continue to increase with the demise of the high street.

(g) Privacy and Security.

The proposal includes new footpaths to the development and public orchard, one of which is via an access track between April Cottage and The Hawthorns. There is no legal right of way via this track. As well as interfering with the rights of way of April Cottage, the footpath would give unimpeded public access to the orchard area either through the development or via the footpath, which would have a

significant and unacceptable impact on the privacy that these properties currently enjoy. It would also open up an unhindered access both to the garden sheds to the rear of all properties overlooking the field and to the houses themselves, diminishing the relative security.

The field for the proposed development provides the entire south boundary of April Cottage and The Hawthorns, as well as those of houses in Broadway Road and Withy Hays. All these properties would lose considerable privacy and residential amenity. The development would overshadow these properties, overlook and be overlooked to the detriment of residential amenity.

(h) Contrary to Local Plan Policies SS1 and SS2.

(i) Capacity of Physical Infrastructure - Flooding / Sewerage.

Charlton Adam has experienced severe flooding from surface water overflow over the last few years, due to torrential rainfall and saturated ground conditions, which is exacerbated by surface water run-off from the old quarry. Wessex Water, although not statutory consultees on planning applications, stated at the PC meeting in July 2014 that, if asked to comment, would object to any development if it exacerbated surface water overflow. The pumping station at West Charlton is 56 years old and cannot cope with the sewerage from the three villages it serves, without the addition of the eight houses already approved opposite the Fox and Hounds. It also serves Keinton Mandeville for which there is also a considerable number of additional dwellings with approval to be built, however, there is no mention in the documents provided of any improvements to the pumping station. The situation is so volatile that Wessex Water have a permanent Environment Agency easement to pump raw sewage into the stream which runs along the eastern edge of the proposed site when the pumping station becomes overwhelmed.

The proposed development would be built on a water meadow, which currently absorbs most of the flooding, however, if built on, this would increase the severity of flooding considerably and would exacerbate the sewerage issues.

(j) Deficiencies in Social Facilities.

The proposed development is not in the same village as the school, which is in Charlton Mackrell; the distance would be too far for children to walk to school, which would mean more cars driving through the choke point of Broadway Road at peak time.

The nearest Doctor Surgery is in Somerton. The surgery will also need to provide healthcare services to the increased number of patients arising from the 650 dwellings already approved to be built in Somerton.

(k) Lack of Support and Need.

The CCP lists its guidelines for Housing and Development.

Guideline HD1 states that 'To meet the needs of local people and SSDC's plans for sustainable development in rural settlements, it is proposed that the Parish's housing stock be increased by a maximum of 5% over the 10 year period 2017-2027 [equivalent of 25 dwellings]. It is important that this development is spread throughout the villages and hamlets of the Parish, with each accommodating some development commensurate with its size and facilities.' Since November 2017 no houses have been completed in the Parish. However, planning permission has already been granted for 18 dwellings (including 3 holiday lets), which could in theory be built in the next 2 or 3 years.

Guideline HD2 states that 'Future housing development within the Parish should contain a high proportion of two- and three-bed properties to give a more balanced distribution of dwelling size throughout the Parish and to encourage young families to move into the Parish'. However, the application has a large proportion of 4 and 4+ bedroom houses. A development of this size would have a most detrimental effect on the character of the parish by introducing urban-style street lighting; not one resident is in support of this and is totally against the light pollution it would create, harming the visual amenity of residents as well as affecting wildlife.

(l) Comments were made about discussions between the parish Council and agent prior to the submission of the application.



To conclude, the Parish Council unanimously agreed that the reasons for refusal of the previous application (16/05458/OUT) have NOT been addressed in this new proposal. The adverse impact of the proposed inappropriate development would significantly harm the character and landscape of the parish and the safety of its residents, all of which go against policies in the NPPF, therefore, the PC agreed unanimously to recommend that the application be REFUSED.

*Comments received from the Parish Council 26th April 2019*

The Parish Council submitted further observations in response to the agent's letter dated 21st March 2019 and the submitted transport response (Technical Note 1) to highways objections that had also been raised. Additional observations were made in respect of character and landscape, the Charltons Community Plan (CCP), privacy and security, capacity of physical infrastructure (flooding / sewerage) and traffic generation / highway safety.

The current proposal would still not provide an inclusive, safe and convenient access for all and would have a severe impact on road safety for all users. By not providing a safe pedestrian access, highway safety has worsened as all users would be using the same access through the pub car park. Access to the rest of the village, including the primary school, shop and churches, would be via the narrow blind 'S' bend in Broadway Road, which does not have a pavement and is barely wide enough for two cars to pass.

In conclusion, the Parish Council unanimously agreed that the agent's letter and transport response have still NOT addressed the reasons for refusal of the previous application (16/05458/OUT). The adverse impact of the proposed inappropriate development would significantly harm the character and landscape of the parish and the safety of its residents, all of which go against policies in the NPPF.

*Comments received from the Parish Council 24th June 2019*

The Parish Council submitted further observations in response to the agent's letter dated 18th May, an amended proposed site plan no 0571-PL-SITE-002 Rev A), a Flood Risk and Drainage Strategy dated May 2019 and a Highways Technical Note 02 . It was agreed that the amended application has still not addressed the reasons for refusal of the previous application (16/05458/OUT).

The applicants have removed the footpath that entered the site between April Cottage and The Hawthorns in the north western corner, due to third party land ownership and legal challenges, and have not provided a safe alternative solution. The only option for pedestrians to access the site and village facilities is to walk through the Fox and Hounds Car Park: however the access appears to stop short of Broadway Road with a detour through the pub garden. Consent to provide access through private land would need to be granted; has this been given or is it assumed? The lack of pavements and narrow S bend on Broadway Road does not provide safe access for pedestrians. Such a major safety issue should not be left to the good will of current and future landlords and should be addressed fully and resolved as part of this outline application. The application does not meet the requirements of Local Plan Policy TA5 as it has not secured "inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all."

The agents stated in April that the site layout as currently shown cannot be delivered due to the Lead Local Flood Authority (LLFA) stating that parts of the site must not be developed to support land drainage. However, no new plan has been submitted and the applicants concede that any deliverable site layout would be significantly different from the one submitted here. The PC considered that the application cannot be approved in its current form as it still cannot be delivered. It is also impossible to assess whether the current application resolves the first reason for refusal on the previous application — impact on the character and layout of the village's traditional linear build.

The Highway Technical Note 02 is a draft document, therefore, the PC could not comment.

The PC unanimously agreed that the amended application has still NOT addressed three of the reasons

for refusal of the previous application (16/05458/OUT). The adverse impact of the proposed inappropriate development would significantly harm the character and landscape of the parish and the safety of its residents, all of which go against policies in the NPPF.

### **Keinton Mandeville Parish Council**

Whilst an adjoining parish, the parish Council would like to submit comments because of the impact on the village. The existing infrastructure (drainage, sewage, transport) would not support this, especially in view of the development of Lakeview Quarry. All proposed development in Keinton Mandeville would be served by the same pumping station in Charlton Adam. The system appears to be at over capacity already, and in this context it is important that developments in neighbouring villages are not considered in isolation. The PC is opposed to the development in view of the inadequate infrastructure.

### **County Highway Authority**

*Response dated 23rd January 2019*

Reference is made to the previous planning application at this site, 16/05458/OUT and to the observations made by the Highway Authority in response to that application. In summary, those observations included:

The application would generate approximately 208 vehicle movements per day. This represents a significant increase in vehicle movements. From on-site observations, Broadway Road did not have a high traffic flow. However, Broadway Road is narrow with no provision for pedestrians. The proximity to the A37 means it is likely vehicles will head in that direction. The Transport Statement provided with the application indicates that the site proposes to have 16 vehicle movements in the morning peak and 15 movements in the afternoon peak. It would appear that there is sufficient capacity to accommodate this level of vehicle movements during the peak hours and unreasonable to raise an objection to this aspect of the proposal.

There does not appear to be many amenities within walking distance of the application site, this would possibly increase the level of vehicle movements and Single Occupied Vehicles, however, the sustainability of the development is a matter for the Local Planning Authority to decide rather than the Highway Authority.

There are concerns with the Travel Plan that would need to be addressed. These include:

- It is noted that there are currently no village amenities within the local area and the closest seems to be in Somerton which is approximately 5 miles away. It is unlikely that people would walk to Somerton especially as there are no footways or cycle paths. However, it is noted that there is a cycle route that runs through the village. The nearest school is in Charlton Mackrell which is approximately 1 mile away which would suggest that people will use vehicles rather than walk.
- No action plan has been provided with the Travel Plan.
- There has been no mention of a Travel Plan Coordinator.
- There has been no inclusion or mention of motorcycle and bicycle parking within the Travel Plan.

When considering the design of the new pathway/vehicular access from Broadway Road at the eastern edge of the development, directly adjacent to Hawthorn Cottage, the designer will need to consider the open ditch running along the eastern boundary of that plot of land.

It is noted that the application is finely balanced; however, it would be unreasonable for the Highway Authority to raise an objection on the traffic generation aspect of this application. If the LPA are minded to grant planning permission and subject to the Section 106 being secured with Somerset County Council, then nine highway related conditions and informatives are recommended.

Those conditions relate to visibility; no deposit of debris onto the highway during the construction phase;

setting back of entrance gates; surface water disposal; road and footpath construction; gradients of drives; details of street lighting; and hard standing areas.

This current planning application 18/03298/OUT differs in that the proposed point of vehicular access has been amended to be positioned further to the west through the existing Public House car park, with replacement parking for the public house to be provided, served off a secondary bellmouth entrance to the east. The submitted site access plan shows a new bellmouth access with 6.0 metre radii and visibility splays of 2.4 metres x 43.0 metres in both directions. The site lies on Broadway, which is a classified un-numbered road which is subject to a 30mph speed limit. The proposed visibility splays of 2.4 metres x 43.0 metre are acceptable in this location.

Pedestrian visibility splays should be plotted at the uncontrolled crossings to ensure pedestrians are able to see vehicles turning into the access and that drivers on the main road are able to see pedestrians at crossing.

The Highway Authority did not raise an objection to the previous application and it is noted that the LPA refused the application, with Highway Safety being one of those reasons. This being the case, it is therefore a matter for the LPA to decide whether the alterations made to this current access proposal have alleviated the concerns previously held and if consent is granted. Nevertheless, a request is made that the submitted site plan be amended to incorporate the following alterations, and re-submitted for approval:

- Pedestrian visibility splays to be plotted at the uncontrolled crossings
- The in-line crossing tactile arrangement leading from the car park should be increased to a depth of 1200mm
- No details with regards to fence specification have been provided; it would be expected that the fence would be no higher than 600mm to allow unobstructed visibility for vehicles exiting the car park area, the proposed junction and pedestrian waiting to cross the carriageway.
- The fencing should be set back 450mm from the carriageway however, it is not felt that the fencing itself is required providing street lighting levels are appropriate for the location.

Upon receipt of a suitable drawing the Highway Authority will be in a position to recommend a suitable set of conditions to attach to any consent that the LPA may be minded to grant.

#### *Response dated 1st May 2019*

Following the request that the submitted site plan be amended to incorporate various alterations, the applicant has since submitted a Transport Technical Note which has only addressed concerns raised by the Charlton Parish Council and not addressed the SCC comments above. It appears that the applicant has not submitted a drawing demonstrating the changes requested above and therefore the previous response by SCC Highways Development Control dated 23rd January 2019 remains applicable.

#### *Response dated 27th June 2019*

Having looked at the amended technical note and noting that drawing A096493-SK03D (Proposed Site Access) has been submitted, the submitted details are now acceptable. These amendments were:

- Pedestrian visibility splays plotted at uncontrolled crossings
- Tactiles increased to 1200mm at the car park
- Fence no higher than 600mm to protect visibility splays
- Fence set back 450mm from carriageway

A s106 will be required to secure the Travel Plan.

Nine conditions are recommended as per the original consultation response:

- 1) 2.4m x 43m visibility splays (no obstruction above 300mm)
- 2) Wheel wash
- 3) Gates opening inward and 5m setback
- 4) Drainage
- 5) Roads/Footways/Turning prior to occupation
- 6) 1:10 gradient
- 7) Street Lighting
- 8) 5.5m hardstanding in front of garages roller door
- 9) 6m hardstanding in front of garages up/over

### **SSDC Highway Consultant**

Refer to SCC Highways advice.

### **County Education**

This development would generate an additional 14 pupils. There is no need for further space at the primary and secondary schools. However the early years provision is over capacity so SCC requests a financial contribution of £34,148 to support the learning environment and enable improvements or expansion.

### **SSDC Community, Health and Leisure Service**

The proposed development is located in close proximity to the equipped play area at the Charltons Playing Field. The play area has been identified as in critical need of new play equipment as it is currently locked until remedial repairs can be carried out to prolong the life of the current equipment until there are sufficient available funds for replacement. As such, the proposed development will generate additional demand for the play area, thus exaggerating the already unmet need for new equipment. In addition, there is a lack of youth facilities for older children at the playing field and this will also be a need that is added to by the proposed development.

In accordance with Local plan policies HW1 and SS6, the best solution to mitigate additional demand is to provide a contribution towards enhancing the existing play area and youth facilities at the Charltons Playing Field.

An appropriate financial contribution should be sought from the developer towards the delivery of 107.4 sq.m (play area) and 26.76 sq.m (youth facilities) stemming from the proposed development towards off-site provision of improvements to these types of facilities at the Charltons Playing Field along with a commuted sum payment for maintenance over a 10 year period to be secured.

No contributions are required for playing pitch/changing room provision.

Appropriate financial contributions for off-site play area provision would be £20,371 and for off-site youth facilities would be £4,000. Total contribution £24,371 (total cost per dwelling of £1,015).

Commuted sums for equipped play areas would be £11,767 and for youth facilities would be £1,479. Total contribution £13,246 (total cost per dwelling of £552).

The above should be secured within a Section 106 Agreement, including payment of relevant legal fees and administration costs.

### **County Public Rights of Way Team**

There is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath L 6/18). No objections to the proposal are raised but the following comments are made.

Any connecting link to the public footpath L 6/18 may require the consent of third parties due to a gap

between the site boundary hedge and the footpath.

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.

### **Lead Local Flood Authority**

#### *Response dated 5th December 2018*

Concerns expressed requiring further investigation. A culverted watercourse passes through the site in a NW/SE direction. This has not been identified in the FRA, and is not taken into consideration in terms of drainage arrangements. The location of the pond in the north east corner would mean that drainage for the site would need to cross the route of the culverted watercourse. The culverted watercourse connects with the drainage ditch running N/S to which the applicant wishes to connect their site drainage.

There is also suspected to be an ordinary watercourse running along the southern boundary of the site, which takes flows from the Neville Close cul-de-sac area eastwards.

Parts of the site are shown on the surface water flood risk maps as being "High Risk" - but again the FRA does not appear expand on this in any meaningful way, nor does the layout seek to avoid these areas or provide any mitigation in this respect. The plots in the SE corner being particularly for consideration.

As a minimum, the developer should identify the exact route of the culverted watercourse through the site, and ensure that the layout has sufficient offsets on either side of this feature to protect its ongoing function and maintenance. The drainage for the site should then be designed around the new site layout. In addition, it must be demonstrated that sufficient capacity exists within any of receiving systems. Opportunities to de-culvert the watercourse should also be explored, incorporating it into the wider design of the site which would offer environmental enhancements. At present, an objection is raised for the reasons given above.

#### *Response dated 11th February 2019*

Following a site visit and a walkover of the whole development site, as identified from the maps and plans, there are a number of key drainage features within the site. Firstly, near the entrance gate to the development there is a section of open watercourse flowing along the eastern edge of Hawthorn Cottage, through a trash screen/headwall arrangement into a culvert. It would seem this takes a sharp turn south eastwards across the site. The size of the culvert is unknown, but as part of the application, there are great opportunities to open up this watercourse along its whole length through the site which would be beneficial for several reasons.

Firstly the headwall/screen arrangement is not ideal and likely has to be regularly cleared out, but also restoring the watercourse could have positive environmental benefits in terms of local wildlife and amenity - resulting in a higher quality development.

Secondly there is a natural drainage feature within the site that was used as a cattle drink. This area of the site is very wet and sits in a local depression within the site and may correspond with low spots on the highway. Therefore, it would be useful to understand the nature and function of this feature in terms of wider drainage. According to old maps and plans, it looks as though it may have connected within other land drainage routes that criss-cross through the site heading east. It is imperative that these areas

remain undeveloped to ensure land drainage is not interrupted. Opportunities exist to incorporate these into quality landscaping proposals for the development, as they could have wider local amenity and wildlife benefit.

Finally a ditch runs along the southern boundary of the site which is currently overgrown and not well defined in places. This needs to be cleared and re-established. Any flow into this system from the site or elsewhere needs to be understood. There have been known problems with drainage from Withyhays Road in the vicinity of Hawkbarrow Cottage. This is not a dense development so there is space and opportunity to ensure good quality sustainable drainage features that could benefit the wider area.

#### *Response dated 25th June 2019*

Following the submission of the Flood Risk Assessment and Drainage Strategy document dated May 2019 and amended site plan indicating, in particular, the proposed pond to be re-located to the south east corner of the site, no objections are raised subject to a condition requiring the submission of specific details of the surface water drainage scheme based on the principals set out in "Flood Risk Assessment and Drainage Strategy" dated May 2019 together with a programme of implementation and maintenance for the lifetime of the development.

An informative is also suggested advising that Somerset County Council is the Lead Local Flood Authority (LLFA) and, under section 23 of the Land Drainage Act, there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

#### **Wessex Water**

A number of properties in Charlton Adam suffers from groundwater infiltration during periods of prolonged wet weather which results in surcharging of the foul sewer network. The sewer catchment including Charlton Adam has been surveyed (CCTV) to determine the extent of the problem and this identified several points of groundwater ingress to the system.

It is one of 60 catchments across the region that have been the subject of an Infiltration Reduction Plan (IRP) and an Operational Management Action Plan (OMAP). The OMAP is an action plan that has been developed by the Company to protect properties during periods of sustained groundwater ingress. The plan was developed in conjunction with the Environment Agency.

#### *Foul Water Disposal*

- Foul flows from Keinton Mandeville drain to Keinton Mandeville SPS (15325), flows are then pumped to a gravity system upstream of Charlton Adam SPS (15334).
- Emergency storage and overflow arrangements will be in operation at Keinton Mandeville SPS until levels subside and flows can be once again pumped forward.
- The scheme aforementioned has now been completed. Please note the aim of this scheme was to reduce sewer flooding within the catchment due to ingress during heavy rainfall and as such does not completely clarify the flooding concerns within the catchment.
- There is adequate capacity within the receiving foul network to accommodate the proposed flows (1.1 l/s).
- The Lead Local Flood Authority may require substantial consultation for any proposals at this site to see if mitigation of flood risk from surface water and ground water is feasible whilst also ensuring that the risk of flooding is not increased elsewhere.

- New systems must be resilient to these issues and we will seek to insure, through the planning system, that appropriate measures are implemented.
- *Surface Water Disposal*
- No surface water connections will be permitted to the public foul sewer system and we assume that in line with NPPF, a flood risk assessment will provide for soakaway drainage or disposal to land drainage systems with any necessary flood risk measures.
- Based on catchment concerns. WW advise to develop and discuss a robust SW strategy which considers the SUDs hierarchy and in line with the NPPF.
- We advise early discussions with the LLFA on a strategy for SW within this catchment before consideration to the sewers.
- No SW will be allowed into the foul network.
- Please keep WW informed of your discussions with the LLFA and we will review and advise accordingly.
- Any SW arrangements should prevent and protect from any overflow spills occurring along the watercourse.
- *Charlton Adam Sewage Pumping Station (15334)*  
You will note the location of Charlton Adam Sewage Pumping Station (15334); no dwellings permitted within 15 metres of the pumping station and any proposals should take into account access and operational requirements. Please see our proximity guidelines for further details <http://www.wessexwater.co.uk/Developers/Developers---planning/>
- The pumping station has a consented overflow, which will operate in the event of a plant breakdown and during extreme events when pumps are overwhelmed.
- This overflow discharges directly into the existing watercourse which has a defined channel and clearly shown on the published flood maps.
- It should also be noted that ground levels fall away from the foul pumping station and it may be necessary to provide a pumped discharge from the site if finished floor levels are at risk of sewer flooding. We recommend that FFL should be set at a minimum level of 28.45 AOD unless otherwise agreed.

Wessex Water confirms its agreement to the applicants' strategy in principle. However, capacity is limited and will need to be reviewed further by WW if consent is granted and the site progresses. Capacity improvements will be reviewed in line with other sites also coming on a phased approach.

**Environment Agency**

No comments offered.

**National Health Service**

No comments offered.

**South West Heritage Trust**

The site lies close to the Area of High Archaeological Potential and north of an area where prehistoric archaeology was revealed through an archaeological evaluation. In general terms, the area also has high potential for Roman period activity. It is therefore likely there are remains present relating to later

prehistoric and Roman period activity. For this reason it is recommended that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the NPPF. This should be secured by the use of an archaeological investigation condition attached to any grant of permission.

### **County Ecologist**

The site is dominated by poor semi improved grassland with boundaries consisting of intact species poor hedgerows and hedgerows with trees. Surveys have been carried to establish the presence of bats, dormice, great crested newts, otter and water voles and badgers.

The existing badger sett located on the eastern boundary was recorded as being inactive and within a proposed buffer zone sufficient distant from the housing not to be directly affected. However, it is likely that badgers would be foraging across the site and may establish a new sett between the time of any planning approval and development commencing.

The scrub on site has potential to support nesting birds, reptiles, hedgehog and dormouse.

Up to 9 species of bat have been recorded either commuting or foraging through the site.

Any vegetation in the construction area, comprised of grassland and tall ruderal herbs should initially be reduced to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between April and October.

The loss of the habitats on site comprised of grassland, scrub, ruderal vegetation and potential impacts to trees and hedgerows with trees, providing likely habitats for bats, birds, badgers, amphibians and reptiles, would need to be compensated for by the provision of retained and managed wildlife areas, thus ensuring the proposal provides compensation habitat and adheres to enhancement requirements outlined within the NPPF.

No objections are raised subject to the imposition of various mitigation and enhancement ecological conditions.

### **Somerset Wildlife Trust**

Notes the supporting surveys in respect of Otters, Water Voles, Great Crested Newts, Dormice and Bats and supports all the recommendations for Mitigation and Enhancement. Also requested are the provision of at least 5 bird boxes within the site and all internal boundaries should be constructed so as to allow the free passage of small mammals. All external lighting should be designed so as to minimise light pollution.

### **Natural England**

Does not wish to make any comments.

### **Avon & Somerset Constabulary - Designing Out Crime Officer**

The National Planning Policy Framework July 2018 refer to the importance of considering crime & disorder at the planning stage. Paragraph 127(f) states; "create places that are safe, inclusive and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

General comments are:

The proposed footpath between units 15/23 & 16/22 has no destination. It does not act as a link to any other footpath to the south of the site. This is a potential crime generator to rear gardens, dumping



ground, dog faeces etc.

Similarly the foot path behind the units on the western side (9 to 13) is also a potential crime generator allowing access to the rear of properties. Could this pathway not be on the road way where movement is visible.

Careful consideration will have to be given to the defensible space between the public footpath and unit 1.

## REPRESENTATIONS

There have been over 100 representations received from third parties, of which the vast majority raise objections to the proposed development, which have been placed on the website for consideration prior to the determination of this application. Nearly 100 of the representations object to the application proposal, 7 support the proposal and 2 representations offer general comments.

Somerset Campaign to Protect Rural England (CPRE) has submitted letters dated 12th November 2018, 15th April 2019 and 1st July 2019 and, in summary, objects on grounds of:

- The proposed development would result in significant harm to the existing character and appearance of the area and would be contrary to the local distinctiveness and landscape character protection aims of LP Policy EQ2.
- The site is poorly related to the village core and its periphery; the scale of development is disproportionate relative to the otherwise disaggregated and spread character of Charlton Adam; two major cul-de-sac developments in the village would be overly dominant; and the proposal further erodes the separation of Charlton Adam from the hamlet of Broadway, all contrary to the local distinctiveness and landscape character aims of LP Policy EQ2.
- The cumulative impact of the proposal, taken together with the recent permission to build 8 houses to 'infill' the north side of Broadway would result in an overly large swathe of near continuous development concentrated in one small part of the village, to the further detriment of character, appearance and local distinctiveness.
- The proposal takes no account of the Charltons Community Plan 2017 approved by the Parish Council on 28th November 2017, nor the Charltons Design Statement.
- The CPRE support residents' concern about traffic levels generated by this proposal.
- Objection to the removal of the pedestrian footpath beside April Cottage. This access provided a limited degree of connectivity with the village facilities, albeit one that was far from optimal because it emerged onto a busy road with no footways.
- Contrary to LP Policy TA5. Inclusive, safe and convenient access would not be provided by the remaining access through the pub car-park, which is located even further along the road and away from the village facilities than the access by April Cottage, and on a blind corner. Pedestrians (including old aged persons, children, wheelchair users, and people pushing buggies) would likely be intimidated and/or deterred by the absence of footways for such a long distance along the road from the car-park access to the village centre, and the absence of sight-lines on the blind corner. The development falls well short of the connectivity and permeability requirements for good design - the adjacent Neville Close development would not be connected to this proposal and there is no through way for pedestrians to the village shop, school or post office.
- This proposal should be considered also in the context of Local Plan housing requirements. The October 2018 South Somerset Monitoring Report found that rural settlements have already delivered 119% of their Local Plan 'target' for the entire plan period through to 2028, some nine years ahead of schedule, taking both completions and commitments to date into account. This percentage will have risen further in the nine months since the report was compiled. This large over-delivery by rural settlements in South Somerset means that large scale proposals such as this one in rural settlements should only be permitted if they fully comply with policy, and are not car- dependent. This proposal is not policy compliant.

The objections from other third parties can be summarised as follows, in no particular order:

- Not all the previous reasons for refusal have been resolved.
- Alleged inaccuracies in the submitted Planning, Design and Access Statement.
- Contrary to para 180 of the NPPF - refers to new development needing to be appropriate for its location taking into account the likely effects on health, living conditions and the natural environment.
- The site is outside the boundary of the village and not designated for development in the Local Plan.
- Not sustainable development.
- Unacceptable encroachment into the countryside and reduction of open space between settlements.
- Application does not give proper consideration to the heritage importance of the area and fails to address the distinctive character and features of the site within the context of the history of the parish.
- Overdevelopment and out of character with the linear appearance of the village. The proposed houses will be out of keeping in terms of layout and design. The proposal does not reinforce local distinctiveness or reflect local character being a suburban cul-de-sac development - contrary to LP policy EQ2.
- Proposal conflicts with housing development guidelines in the Charltons Community Plan in that it exceeds the number of houses needed in the village and the type of housing required by the community.
- Existing planning permissions for in-fill development in the village already exceed the village's capacity. When placed in context with the 15 houses already approved, this proposal that is objected to by the vast majority of residents will represent an undemocratic degradation of residents' quality of life.
- Whilst welcoming 35% affordable housing that is proposed, this does not go far enough and the need for affordable housing will not be met. There is a need in the village for small starter homes, small retirement homes and small homes for 'non-nuclear' families. The proposal is for a majority of commuter homes, rentals or second homes which are not needed and will not help the well-being of the village.
- Other sites can accommodate the small amount of housing growth identified by the housing needs assessment carried out by the Parish Council.
- Influx of numerous children from 24 properties would affect the school in a negative manner. The school cannot cope with more pupils.
- Inadequate/cursory road safety audit/transport statement - does not address all concerns.
- Only one shop/post office in the village and no medical facilities. Additional residents would need to travel elsewhere for main shopping and to other surgeries.
- Contrary to LP Policy TA5. No inclusive, safe and convenient access on foot, cycle and public transport - needs to be addressed before any permission is given. Difficulties in securing a viable footpath route are acknowledged but this needs to be resolved before permission is granted.
- No public transport means most journeys would be by car. Unsustainable.
- Unacceptable increase in traffic generation would result using small, narrow rural lanes with blind bends. This increase in traffic would exacerbate dangers to pedestrians and horse riders who also use the lanes. Contrary to LP policy TA5.
- Existing dangerous A37 junction at Sticklebridge. The proposal will mean a greater number of vehicles using this junction leading to an increased risk of accidents.
- No pavements or street lights in the village. Increased traffic (including construction traffic) will mean increased danger to pedestrian walking to the village primary school, the village shop and to the bus stops for travel to secondary schools and college.
- Resultant increase in air pollution levels.

- Proposed decrease in size of the pub car park will mean customers having to park along Boundary Road, forcing pedestrians to walk in the middle of the road.
- Any street lighting serving the new development would be out of character and lead to unacceptable light pollution and a negative impact on visual amenity.
- Unacceptable adverse impact on amenity of neighbouring residential properties - noise, disturbance, loss of privacy and overlooking.
- Flooding issues - the ground becomes waterlogged even with only moderate rainfall. Covering the ground with hardsurfacing will force the water elsewhere causing flooding of adjoining land, or flooding the new homes. Nearby watercourses do not appear to have been taken into account by the developer.
- Sewerage system in the village is at full capacity. There are existing overflow problems. This infrastructure will be unable to cope adequately with the proposed additional homes.
- Loss of agricultural land.
- Many species of wildlife would be endangered - numerous species of birds (including herons), hares, glow worms, deer, newts and frogs.
- Submitted coloured plans show inaccurate information. There should be no indication intimating there is rights of pedestrian access over the land between April Cottage and The Hawthorns.
- The site cannot deliver any useful or safe footpaths for use by the public.
- The submitted plans fail to show the 8 houses to be built opposite the Fox and Hounds pub, which have a direct impact on the environment of this application.
- Officer recommendation of approval is inconsistent with the previous officer recommendation of refusal for residential development on this site.
- Recommendation is inconsistent with a decision to refuse a similar type of development in Mudford.
- Recommended conditions 6 and 27 considered to be unlawful.
- The proposed development cannot be delivered due to the inability to identify a flood risk solution.

In addition, other non-material planning considerations have been raised by objectors including ownership dispute over the track to access the development, management of the pub and precedent for similar development on adjoining fields if this proposal is approved.

The letters/emails of support from third parties can be summarised as follows, in no particular order:

- Charlton Mackrell Church of England Primary School and Pre-school advises that there are currently 76 pupils on the roll which is a reduction from 80 during the last academic year. The net capacity of the school allows for 90 pupils.
- There is a national shortfall of housing, especially in South Somerset.
- There is a shortage of housing in the village. Low cost homes are welcomed.
- Growth means employment and a boost to the local economy which supports the school, shop, pub, the reading Room and the two churches.
- The village must not be allowed to become a retirement village.
- Good access to the A37 and A303 - does not involve fast roads.
- Proposed landscaping and design of the development are sympathetic to the rural area.
- Good parking and green space.
- Benefits will significantly outweigh the negatives. Local homes for local jobs and the local economy are essential to allow the community to thrive.

Letters have been received from Chesters Commercial acting as the agent for Butcombe Brewery the owners of the Fox and Hounds. They state that the proposed development would assist with maintaining the success of the pub. Additional people would help trade and assist in ensuring the pub's future. The

agents confirm also that the proposed changes to the pub's car parking arrangements have been discussed with the Brewery and are welcomed. Finally, confirmation is provided that there is a legal agreement between the applicants and the brewery which allows the proposed access to be created; this agreement lasts in perpetuity and can be transferred to a third party in the event that the land is sold.

## **CONSIDERATIONS**

### **Planning History**

The planning history of the site is an important material planning consideration when determining this current application; the more recent the history the more material is the consideration. As set out earlier in this report, an outline application (ref. 16/05458/OUT) for residential development of up to 26 dwellings was refused permission on 2nd July 2017 for four reasons, viz.

*1. The proposed in-depth development by reason of the site's relationship to the existing built form - the spread and dis-aggregated traditional linear character of Charlton Adam - is not commensurate with the scale and character of the settlement, while it is seen neither reinforces local distinctiveness or respects local context. As such the proposal is contrary to local plan policy EQ2 and SS2 of the South Somerset Local Plan 2006- 2028.*

*2. The proposed development by reason of the development's projection, extension and consolidation of built form through the creation of an access to the east, beyond the settlement's built form south of Broadway and the erosion of the separateness of the secondary settlement of Broadway from that of Charlton Adam is to the detriment of character, visual appearance and local distinctiveness. As such the proposal is contrary to local plan policy EQ2 of the South Somerset Local Plan 2006- 2028.*

*3. The proposed road junction south of Broadway opposite residential dwelling(s) by reason of its location would result in unacceptable harm on the living conditions and amenities enjoyed by adjacent occupants in particular 1, and 2 Broadway by disturbance and interference arising from the introduction and sustained levels of traffic movement contrary to policy EQ2 of the South Somerset Local Plan 2006-2028 and paragraphs 14 and 17 of the National Planning Policy Framework.*

*4. It is not satisfactorily demonstrated given the lack of a road safety audit stage 1 that the proposed vehicular access arrangement, given the substandard road width, the shared surface use made of the road, following the indications of the traffic surveys undertaken by the community, offers sufficient certainty that the proposal would secure an inclusive, safe and convenient access for all. Without such certainty the proposal would have a severe impact on highway safety and is therefore contrary to Policy TA5 of the South Somerset Local Plan 2006- 2028 and para.32 of the National Planning Policy Framework.*

When determining this current application, due regard should be given as to whether the submitted supporting documentation overcomes some or all of the above reasons for refusal and the various objections that have been raised by the Parish Council and other third parties and, if so, whether there continues to be an overriding planning justification to withhold permission to allow residential development on the site in question.

### **Housing Land Supply**

References have been made in various representations to housing land supply and that rural settlements within South Somerset have met their housing allocation targets. With that in mind further advice has been sought from the Council's Strategic Planning Team. The advice received is that there is currently a shortfall of 1,269 dwellings. This is based upon the annual housing target of 725 dwellings as set out in the adopted Local Plan 2006-2028 and is explained in the "South Somerset District Council Five-Year Housing Land Supply Paper" dated August 2018.

That report set out the position on the 5 year housing land supply for SSDC for the 5 year period from 1st April 2018 to 31st March 2023 and, in terms of the information on decisions on planning applications, was accurate up to 22nd August 2018.

The report concludes that the Council's 5-year housing land supply requirements is currently 5,873 dwellings. However the Council's deliverable five year housing land supply is 4,700 dwellings. As such, the Council cannot demonstrate a five year supply of housing sites and can only demonstrate a supply equivalent to about 4 years.

The report concludes by stating:

*The overall conclusion has significant implications for the Council's decision-making on planning applications.*

*Paragraph 11 of the NPPF notes that the relevant policies for the supply of housing should not be considered up-to-date if a local planning authority cannot demonstrate a five-year housing land supply: For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*The associated footnote in the NFFP states that the above policies are out of date in "situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)".*

*However, this is not the end of the matter. The fact that policies relevant to the supply of housing are deemed "out-of-date" by reference to the NPPF does not mean they should be ignored. As confirmed by several judgments the NPPF does not displace the statutory framework for the determination of planning applications and does not prescribe that little or no weight be given to housing supply policies, that is a matter for the judgement of the decision-maker dealing with a particular application and the facts of each individual case.*

The report sets out various Supreme Court judgements and High Court judgements in this respect and makes it clear that *"the absence of a five-year supply of housing land is not necessarily conclusive in favour of the grant of planning permission. Furthermore, and for the avoidance of doubt, Paragraph 11 of the NPPF is not irrefutable, and the analysis of material considerations may indeed move the decision-maker away from the presumption in favour of the grant of planning permission."*

The current Five-Year Housing Land Supply paper (August 2018) is currently under review and an updated version is expected to be published shortly. However, for the purposes of determining planning applications at the present time, it is the August 2018 paper that remains a material planning consideration.

### **Principle of Development**

The overall spatial strategy and settlement hierarchy for the District in relation to housing growth is contained within Local Plan Policies SS1, SS2, SS4 and SS5. Charlton Adam is a small rural village that benefits from a range of local facilities including a public house, church, village shop and recreation areas. On the basis of this range of facilities, the village falls within the definition of a Rural Settlement under Policy SS2, where development is 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 an identified housing need, particularly for affordable housing.

Policy SS2 also sets out that development should be commensurate with the scale and character of the settlement, be consistent with community-led plans, and generally have the support of the local community following robust engagement and consultation.

As stated above, the Council acknowledges its current lack of a 5 year housing land supply at which point policies relating to housing constraint are considered not to be 'up-to-date'. In these circumstances, the provisions of NPPF paragraph 11(d) are engaged and the presumption in favour of sustainable development applies, where it is expected that planning permission will be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*.

The provisions of NPPF paragraph 11(d) do not preclude the emphasis within the NPPF to promote a plan-led approach. Therefore, whilst there is a tilted balance in favour of development due to the provision of paragraph 11(d), an assessment must be made of the application's conformity with the Local Plan when read as a whole. Where any conflicts with individual policies occur, this must be balanced against the merits of the specific proposals applying the test set out in NPPF paragraph 11(d).

In terms of the principle of development, the application offers significant benefits including helping to meet an identified housing need in terms of market dwellings where there is an acknowledged undersupply of land. In addition, it is proposed that 35% of the dwellings would be allocated for affordable housing which accords with the provisions of Local Plan Policy HG3. In terms of enhancing community facilities and services, the following is proposed to be secured through a Section 106 Agreement:

- Orchard (to be located within the north of the application site)
- Footpath links
- Off-site financial contribution of £34,148 towards the improvement and/or expansion of early years education provision in the Parish;
- Off-site financial contribution of £1,583 per dwelling towards the enhancement of existing equipped play and youth facilities at The Charltons Playing Fields and associated maintenance commuted sums

Some concern has been raised by local residents and the Parish Council on the basis that the development will potentially discourage the use of the adjacent Fox and Hounds Pub. The applicant however argues to the contrary that additional houses will mean more patrons on its doorstep. The applicant has also confirmed that the use of the pub access will benefit the brewery financially and would result in the resurfacing of the car park. Letters of support for the scheme, from the local Primary School and a local business, both affirm the view that additional housing will support local services. Officers have no evidence or reason to disagree with this view.

The scale of development proposed (up to 24 dwellings) would appear to be commensurate with the role and function of Charlton Adam as one of the more sustainable Rural Settlements with a variety of existing facilities and services.

In the above respects, the application delivers upon the objectives of local plan Policy SS2 and this weighs in its favour.

However, there has been a significant level of objection raised through public consultation and the Parish Council does not support the application. Reference is made by the Parish Council to the application's

non-compliance with The Charltons Community Plan.

It is important to note that there is currently no made Neighbourhood Plan for the area, although there is a community-led plan (The Charltons Community Plan - CCP) which was locally adopted by the Parish Council in November 2017 and endorsed by the East Area Planning Committee on 14th March 2018. Unlike Neighbourhood Plans, the CCP has not undergone independent Examination and therefore does not form part of the statutory Development Plan. Therefore, whilst The CCP is a material consideration, it can only be afforded limited weight of the purposes of determining this application. Where conflicts occur between the adopted Local Plan and The CCP, the adopted Development Plan must prevail.

A previous application for residential development was refused in June 2017, with four reasons for refusal. Reason 1 stated that the proposed development would not be commensurate with the scale and character of the settlement, which neither reinforces local distinctiveness nor respects local context. This was specifically in reference to the spread and dis-aggregated traditional linear character of Charlton Adam with which the proposed development is not in keeping.

In terms of addressing the above reason for refusal, this application includes a reduction in the number of proposed dwellings from 26 to 24. The application includes a Landscape Statement which explains the historic context of the settlement and design features to complement the surroundings including an orchard and public open space along the northern boundary, which will in turn reflect the rural character of this part of the village. The site itself is on the peripheries of the village, situated away from the historic core and therefore in a much less sensitive location. Taking this into account, whilst the depth of proposed development away from Broadway Road is at odds with other examples of a more linear form throughout the village, it is considered that this alone does not represent demonstrable harm or an in principle conflict with the provisions of Policy SS2, being commensurate with the scale and character of the settlement.

Overall, the application accords with the principles of Policy SS2 to deliver an identified affordable housing need and provide community benefits within a scheme that is commensurate in terms of scale with the role and function of the Rural Settlement. The principle of development is therefore acceptable subject to a Section 106 Agreement being entered into and all relevant planning considerations being appropriately addressed.

### **Summary of the Principle of Development**

The proposal is not necessarily commensurate with the scale and character of the settlement as up to 24 dwellings would represent a fairly significant increase to the size of the village in absolute terms. It also does not generally have the support of the local community. As such, the scheme does not fully comply with Local Plan Policy SS2. However, as SSSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to scale and character and general community support, but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal does not fully comply with Policy SS2, only limited weight can be applied to this adverse impact in the planning balance. Concern has been raised locally regarding the inherent unsustainability of the location. However, it is noted that the settlement contains a variety of services and facilities.

There has been concern expressed locally about the level of development proposed and the impact on the provision of local infrastructure. However, such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare, sewers etc.) have been identified in Charlton Adam by the providers in relation to the currently proposed development. As such, even when taking potential cumulative impacts into account, on balance the concerns are not sufficient reason to warrant refusal of the scheme.

Local concern has been raised that there is no need for any new dwellings in the settlement.

However, there is a district wide shortage of housing, and this proposal will potentially contribute up to 24 dwellings towards the supply of housing. A perceived lack of a local requirement for the housing does not outweigh the district wide requirement for housing.

### **Visual Impact**

Local Plan Policy EQ2 refers to development in general and requires development proposals to preserve and enhance the character of the district. Development proposals must, amongst other criteria, seek to conserve and enhance the landscape character of the area, reinforce local distinctiveness and respect local context and have due regard to site specific considerations.

When considering the previous outline application for up to 26 dwellings, the Council's former Landscape Officer offered the following comments:

*"Whilst most housing directly relates to the lane network, I note that the adjoining site to the west is a more recent 'estate' development, and that this site is bounded on two sides by development, and is well-contained by hedging, which is in its favour. However, the site is poorly related to the village core, which lays to the south-west, and whilst abutting a development cluster on its west boundary, is otherwise at the village periphery. Additionally, the creation of an access in a separate field, that runs across open land to reach this site also tells against the proposal, for it extends the development impact over two fields, additionally creates a new road to residential standards into farmland, which will appear incongruous. The proposal would also further erode the separation of Charlton Adam from the hamlet of Broadway, to impact on local distinctiveness. The general scale of development is potentially disproportionate relative to the otherwise spread and dis-aggregated character of Charlton Adam, and two major 'cul-de-sac' developments in the village would be overly dominant. Hence there is no landscape support for this development, and I view it as failing to meet the requirements of LP policy EQ2."*

The case officer's report added:

*The village is historically a linear construct. This pattern is an essential character trait that remains readily recognisable in the street layout. The adjacent cul-de-sac residential estate dates from the early 1950s with the site extended in the early '70s that is considered 'of its time' and was permitted under a different policy regime and is considered provides little justification for more of the same. Within the built environment there is surprisingly little intervention that is at odds with the locally distinctive linear character. Development in-depth on this greenfield site accentuates the harmful impact previously perpetrated that is considered harmful to local character, while its replication, extension and consolidation that creates a second cul-de-sac undoubtedly helps bring about the dilution of the predominantly linear character that, arguably, the recent 'infill' permission ref: 16/02353/OUT across the road from the Fox and Hounds for 8 dwellings is seen reinforces. In short, two major 'cul-de-sac' developments at this point is considered overly dominant and disproportionate and in combination with the resulting cumulative impact from the permitted adjacent development, to quote the CPRE response, 'there comes a tipping point when the character and distinctiveness of a small rural settlement is in clear danger of being lost through too much development being concentrated within one small part of the village.'*

*The proposed development is considered poorly related to the village core. Its village periphery location is accentuated by the need to bring access from the eastern side of the village that projects the development's built form to the east beyond the village to include the adjacent agricultural field, necessitating the breach of the north-south aligned hedgerow. The junction inevitably will be pronounced and visually engaging and designed to residential standards located in farmland further out from the village edge is considered intrusive and detrimental to local distinctiveness and character. The new junction arrangement acts also to lessen the separateness of Charlton Adam from the hamlet of Broadway by consolidating development south of Broadway.*



*It is important to re-state that the current application involves outline planning permission with all matters, except access, reserved. The illustrative drawings seek to promote a rural form of development, although inevitably the prevailing concern is one of location, scale and in-depth development that continues the cul-de-sac type development that lays adjacent, whose resulting suburban character is so conspicuous albeit the one significant intrusion in the street plan that fails to promote the still largely intact linear character of the village. The proposal is not commensurate with the scale and character of Charlton Adam, neither does it reinforce local distinctiveness or respects local context and the prevailing pattern of development and stands in contrast to the recent permission across the road from the Fox and Hounds. Likewise, the projection of development to the east beyond the village edge and consolidating development south of Broadway additionally has a detrimental impact on visual appearance and character.*

Whilst both the previous refused application and the current application are in outline form, and thus siting, layout, scale, etc) would be subject to separate reserved matters approval, nevertheless the submitted site layout plans indicating intentions of layout differ. The previous application layout indicated 26 dwellings extending up to the northern boundary of the site abutting the Fox and Hounds public house, its car park and April Cottage with land to the east and west of the site to be planted as orchards. The current proposal retains the northern part of the site as 'free from development', i.e. intended to be planted as an orchard with open space and, as annotated on the site plan, with a "possible footpath to adjacent land". The eastern and western parts are now indicated for dwellings with landscaping carried out along the eastern boundary.

Another significant change between the two proposals relates to the location of the proposed access. Previously the access onto Broadway Road was to the north east of the main part of the application site opposite the Broadway properties resulting in a new access road running through part of the adjoining field to link to the field in which the new dwellings were proposed. The current application proposes the new access to run alongside the Fox and Hounds public house through its car park involving no encroachment into the adjoining field to the east.

The application site is on the edge of the settlement and away from the historic core and Conservation Area. Furthermore, the presence of the existing public house and subsequent grant of planning permission for 8 no. dwellings on the opposite side of Broadway Road to the north of the application site results in a built up form at this location in the village. Any previous degree of separation between Charlton Adam and Broadway has been eroded by the infill permission of the northern side of the road. Taking these factors into account, the main sensitivity around landscaping is the application site's role on the southern side of the gateway to the village from the east.

It must be acknowledged that new residential development on the site will not be completely screened from public view. This current application is accompanied by a Landscape Statement which identifies key viewpoints and includes measures to mitigate visual impacts including setting the proposed dwellings back from the road behind the proposed orchard to maintain views looking south-west when entering the village from the east.

In terms of reducing visual impact, the County Highway Authority has been requested not to insist on the provision of street lighting as part of its road adoption procedures. The Highway Authority has confirmed that it would not insist on the provision of street lighting if the District and Parish Councils considered such lighting to be inappropriate in this location.

It is important to re-state that the current application involves outline planning permission with all matters, except access, reserved. The aim of the illustrative drawings is to indicate a form of development which reflects the existing pattern of development by aligning with the southern property line which exists to the west at Withy Hayes Road and keeping within the hedgerow which bounds the application site to the east. Whilst it is accepted that the general character of the village along the 'through routes' is one of 'linear' development, nevertheless it must be recognised that the adjoining development at Withy

Hayes Road immediately to the west of the application site also forms part of the character of the village. In the context of that adjoining development, the scale and location of the proposed development would be appropriate and, in that respect, a suitable layout and sensitive landscaping could be achieved through detailed design to be agreed within subsequent reserved matters applications.

In summary, it is acknowledged that the current proposal does not fully address all the previous concerns identified by the Landscape Officer and objectors but it does go some way to reducing visual impact by repositioning the new access and providing planting and open space along the northern parts of the site. Whilst concerns remain, when balanced against other material planning considerations, such visual impact concerns are not now considered to be 'overriding' to justify a refusal of planning permission.

### **Access and Highway Safety**

Local Plan Policy TA5 requires all new development to securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Policy TA6 states that parking provision in new development should be design-led and based upon site characteristic, location and accessibility. The parking arrangements within SCC's parking Strategy will be applied within the District.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 106 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

Access is considered at this stage. Vehicular access is proposed by extending the existing access off Broadway Road alongside The Fox and Hounds Public House with adequate visibility demonstrated for vehicles entering and exiting the application site.

The second refusal reason of the 2017 application for the site related to the access extending the built form of the settlement. As has been clarified above, previously the access was proposed directly off Broadway through a field to the east of the main development site. By utilising the existing public house access, the proposed access no longer encroaches into the field to the east and thus part of the second refusal reason is satisfactorily addressed.

The third refusal reason of the 2017 application again related to the previous access that would be opposite residential properties, number 1 and 2 Broadway. It was considered that the access directly opposite these properties would detrimentally affect the amenity of these properties. Again, as the access has been amended and now utilises an existing access, the third refusal reason is considered to be satisfactorily addressed.

The fourth refusal reason of the 2017 application related to the lack of a road safety audit. An independent Road Safety Audit has been submitted with the application and no substantive highways safety concerns have been identified in respect of the application. This is considered to address a previous fourth refusal reason on highway safety grounds, with SCC as the Local Highway Authority raising no objection to the use of the existing pub access.

Notwithstanding the favourable safety audit and that SCC Highways have raised no objections to the

revised access, local concern has been raised by residents and the Parish Council with regard to the increased use of the pub access.

The Transport Statement submitted with the application cites that there is likely to be 16 vehicle movements from the proposed development in the morning peak period and 15 vehicle movements in the afternoon peak period with a total 107 two-way trips per day. The Transport Statement also demonstrates that the existing access affords the necessary visibility splays.

The Parish Council, in submitting its representations, has carried out its own traffic surveys which indicate much higher at 45 movements per hour during peak periods with an average 20 trips per hour over the two days surveyed and overall a potential for 470 trips daily trips along Broadway Road.

SCC, as the Highway Authority, has been consulted in respect of both the Parish Council's representations and a Technical Note submitted by the applicant to address concerns within the Parish Council's comments. SCC considers that there will be a likely 208 trips generated per day by the proposed development and concludes that, whilst this does represent a significant increase in vehicle movements along Broadway Road, there is sufficient capacity within the highway network to accommodate this level of vehicle movements.

Concern has been raised that the access through the car park will reduce parking spaces and cause conflicts with pedestrians walking from the pub car park, over the access road to the pub. The applicant however contends that there will be no loss of parking as the road would use the same space currently used by cars to access the car park. The applicant also proposes to resurface the car park and properly mark out parking spaces, compared to the current unmarked and poorly surfaced car park. A safe pedestrian crossing is also proposed from the car park to the pub. The proposed development would therefore improve the car park and provide adequate provision for pedestrians.

Overall, the application is considered to be in a sustainable location, having regard to the scale of development proposed and the role and function of the settlement which benefits from a variety of local facilities and amenities and close access to the A37. The increase in vehicle movements as a result of the proposed development does not give rise to an objection on traffic generation or highway safety grounds from the Highway Authority and is therefore deemed to be acceptable in accordance with Local Plan Policy TA5. A Travel Plan to encourage alternative, sustainable modes of transport to reduce these trips further should be secured through planning condition along with further details in respect of the proposed site access, watercourse crossings and boundary treatments.

The illustrative Masterplan submitted with the application demonstrates that appropriate on plot parking provision can be achieved in compliance with Local Plan Policy TA6. Details of such provision should be included within any reserved matters applications subsequently submitted.

### **Flooding and Drainage**

The application site is not at a high risk of river flooding, but parts are identified as high risk on the Environment Agency's surface water flooding map. Existing specific flood risks are investigated further in the submitted Flood Risk Assessment and it is clear that the site includes a number of locally important flow routes including: the culverted watercourse running north-west to south-east, the watercourses running along the southern and eastern boundaries and south of The Fox and Hound public house, and a "cattle drink" low-lying depression within the north-western corner of the site. The local drainage features would need to be factored in as part of the detailed design of the layout and scale of any proposed development

In addition, the FRA includes measures to ensure that there is no increase in surface water flow from the proposed development by providing an attenuation feature in the south-western corner of the application site, which is in turn proposed to connect into the ditch system running along the eastern boundary.

Concerns have been raised regarding the capacity of this drainage network, particularly considering previous local flooding caused by overflow of the treatment plant located in the north east corner of the site.

In response to the previous application, Wessex Water advised that it was not anticipated that new development would exacerbate this existing issue and that there is a planned a programme of sewer sealing for the village to be undertaken by them.

Wessex Water has again been consulted about this current application proposal. Its detailed comments have been outlined above but Wessex Water confirms its agreement to the proposed development in principle. However, capacity is limited and will need to be reviewed further by WW if consent is granted and the site progresses. Capacity improvements will be reviewed in line with other sites also coming on a phased approach.

Taking into account the above, it is considered that the application accords with the requirements of SSLP Policy EQ1 and EQ5

### **Ecology**

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 require proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The applicant has submitted an Ecological Appraisal Update which included a site walkover to check whether conditions on site had changed since the previous refusal. No significant changes were noted to the extent and nature of potential habitat, it was recorded that the existing badger sett located on the eastern boundary is now inactive. The Ecological Appraisal Update concludes that impacts on biodiversity can be mitigated through appropriate design measures and management and this is agreed within consultation responses from Somerset Wildlife Trust and the County Ecologist.

### **Residential Amenity**

Due to the application site's edge of village location, potential for residential amenity concerns are limited to impacts on existing residential properties at Withy Hayes Road to the west; 'April Cottage', 'Hawthorn Cottage' and 'Sherbourne' to the north and north west; and potential conflicts between the proposed residential use on site and The Fox and Hound public house to the north in terms of noise and disturbance.

With regards to the latter, the residential development is to be set back some 30m from the public house, to create appropriate landscaping and screening and protect existing drainage regimes through the provision of an orchard. It is considered that noise and disturbance on future occupiers from the public house would be minimal as a result of this "buffer".

The detailed layout and design of the plots will need to take into account the residential amenity of existing occupiers and it is considered that this can be achieved through future reserved matters taking into account the scale nature of the site and the number of dwellings proposed.

### **Section 106 Contributions and CIL**

The financial contributions requested by the County Education Authority and SSDC's Community, Health and Leisure Service are noted, as is the recommendation from the County Highway authority regarding securing Travel Plan provisions. The proposal involves the provision of affordable housing that would require a legal obligation to be entered into ahead of issuing any planning permission. The

application is also liable to CIL.

### **Overall Planning Balance**

The principle of development would appear to be broadly in line with the provisions of Local Plan Policies SS1, SS2, SS4, SS5. There remains some concern with the scale of development proposed, specifically in the context of more linear examples of settlement patterns which influence local distinctiveness and context, although considering the application proposal in the context of the adjoining cul-de-sac residential development at Withy Hayes Road to the west and having regard to the approved development opposite the site are also material planning considerations which somewhat reduce this concern. The layout of the development is indicative at this outline stage and a more complimentary street design would be sought at the Reserved Matters stage.

The use of the existing pub access has overcome a number of concerns raised by the previous 2017 application for the site.

All other material planning considerations in respect of highways, drainage, ecology, landscape and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions.

The proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping SSDC towards a five year housing land supply, improving the sustainability of existing village services and facilities and providing contributions in the form of Community Infrastructure Levy (to be calculated at reserved matters), public open space and education facilities.

Whilst mindful of the previous recent refusal of planning permission for residential development on this site, on balance, it is considered that the adverse impacts in relation to scale and in-depth built form do not result in an adverse impact that significantly and demonstrably outweighs the identified benefits.

In conclusion, the application is recommended for approval subject to completion of a Section 106 Agreement and the following planning conditions:

### **RECOMMENDATION**

Permission be granted subject to -

The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:

- a) a Travel Plan to the satisfaction of the Highway Authority;
- b) financial contributions of £34,148 to be paid to the Somerset County Council as Education Authority towards the improvement and/or expansion of early years education provision in the Parish;
- c) Off-site financial contribution of £1,583 per dwelling towards the enhancement of existing equipped play and youth facilities at The Charltons Playing Fields and associated maintenance commuted sums;
- d) 35% affordable housing, the exact details (bedrooms, tenure, and locations) shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Development Officer; and
- e) details of the management company to maintain the informal open space, including the proposed community orchard and footpath links and, should the road not be adopted by the Highway Authority prior to first occupation of any unit hereby permitted, maintenance also of the unadopted road.

And for the following reason:

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon the historic environment, visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 24 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, TA5, TA6, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Approval of Appearance, Landscaping, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development 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. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

04. The development hereby permitted shall be restricted to no more than 24 dwellings.

Reason: To avoid any ambiguity as to what is approved.

05. The following scheme of boundary hedgerow and tree protection measures shall be fully implemented, maintained and retained during the course of the development, namely:

Within four metres from the inner boundary of the existing hedgerows that run along the boundaries of the site,

(a) no materials, equipment, machinery or structure shall be attached to or supported by any part of the retained hedgerow and no materials shall be stored, temporary buildings erected, moveable structures, works, plant or machinery placed or ground levels altered;

(b) there shall be no mixing of cement or use of other contaminating materials or substances shall take place;

(c) levels shall not be raised or lowered in relation to existing ground levels;

(d) no roots shall be cut, trenches dug or soil removed;

(e) no buildings, hardened areas or other engineering operations shall be constructed or carried out; and

(f) no vehicles shall be driven over that protected area.

Reason: To preserve existing landscape features (hedgerows and trees) in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. No development shall be commenced until details of the surface water drainage scheme based on the principals set out in "Flood Risk Assessment and Drainage Strategy" dated May 2019 together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- a) Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- b) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- c) Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- d) Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

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

07. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local planning Authority prior to the commencement of the development. The content of the LEMP shall include the following details:
- a) Description and evaluation of features to be managed (including a green corridor along the sites boundaries, and orchard within the northern boundary and a set aside wildlife and public area, containing a pond and areas of wild flower grassland within the north-eastern corner of the site).
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions, including maintenance of the orchard and eastern boundary green corridor as a dark corridor with no additional lighting; installation of bat tubes, bird nesting boxes and bee bricks; and wild flower grassland areas to managed to promote and support pollinators and protected species foraging and commuting.
  - f) Orchard, containing native and/or locally occurring fruit trees and a wildlife understory.
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - h) Details of the body or organization responsible for implementation of the plan.

i) On-going monitoring and remedial measures.

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

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

08. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- a) Construction vehicle movements;
  - b) Construction operation hours;
  - c) Construction vehicular routes to and from site;
  - d) Construction delivery hours;
  - e) Expected number of construction vehicles per day;
  - f) Car parking for contractors;
  - g) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - h) A scheme to encourage the use of Public Transport amongst contractors;
  - i) Measures to avoid traffic congestion impacting upon the Strategic Road Network;
  - j) Measures to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

09. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The accesses shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

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

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.



11. The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety further to Policies TA6 and EQ2 of the South Somerset Local Plan 2006 - 2028.

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

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

13. 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 No A096493\_SK01. 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 further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

14. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

15. 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 further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

16. 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 further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

17. 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. 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 further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

18. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage and/or parking space. Such provision shall be in accordance with details indicating siting, numbers, design, rating and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

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

19. No street lighting shall be installed without the prior written approval of the Local Planning Authority. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated.

No artificial lighting associated with the development shall illuminate the boundary habitats, newly created habitats, or any proposed bat boxes, bat roosts or flight paths used by foraging or commuting bats.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF. In addition, all bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservations Status as defined under Article 1 of the Habitats Directive 1992. Lacking evidence to the contrary it must be assumed the boundary hedgerows and trees forms part of the habitat available to maintain local bat populations. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity. This will accord with Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

20. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In the interests of the protection and recording of the archaeological value of the site further to Policy EQ3 of the South Somerset Local Plan 2006-2028 and Section 16 of the NPPF.

21. Immediately prior to commencement of development a survey of badger setts will be carried out by a suitably qualified ecologist. Where badger setts are identified within 20 metres of any development proposals, including boundary fencing, then a development licence will be sought by

the applicant's advised by a suitably qualified ecologist. Results of these surveys shall be and subsequent actions will be reported to, and agreed in writing with, the Local Planning Authority.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

22. Any trenches left exposed overnight during the construction phase will have a means of escape for badger and other mammals. This will comprise a shallow sloped edge or board (of at least 30cm width) set at an angle of no more than 30°

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference.

23. The removal of the scrub and the stone wall should be supervised by an Ecological Clerk of Works (ECoW) and undertaken in two stages. The scrub should be cut to 300 mm between November and March to avoid breeding bird season with the removal of roots and the stone wall between April and October to avoid impacting hibernating dormouse, reptiles and hedgehogs.

Reason: Nesting birds, reptiles, hedgehog and dormouse are protected species, with their protection a material consideration under the planning process, in accordance with Local plan policy EQ4 and relevant Government guidance.

24. A non-licensed dormouse method statement will be produced by a qualified ecologist prior to works commencing, with site operatives informed via a toolbox talk during an Ecological Clerk of Works (ECoW) visit to the site. A copy of the method statement will be issued to the Local Planning Authority for review, as well as kept at the development site for reference by the Site Manager.

Reason: Hazel dormouse have been recorded on the proposed works. Dormice are afforded protection under the Conservation of Habitats and Species Regulations 2017 which includes making it illegal to cause kill or injure dormice and destroy, damage or disturb resting places and from intentional or reckless disturbance to individual dormice under the Wildlife and Countryside Act 1981 (as amended) and to ensure the development contributes to the Government's target of no net biodiversity loss and to provide gain where possible as set out in the National Planning Policy Framework; Local Policy; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

25. Any vegetation in the construction area, comprised of grassland and tall ruderal herbs should initially be reduced to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between April and October.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006

26. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (roof additions);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 1, Class E (buildings etc incidental to the enjoyment of a dwellinghouse; and
- (e) Part 2, Class A (gates, fences, walls or other means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of designated heritage assets and the locality in general, by ensuring there are no inappropriate extensions to the dwelling; to prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property; to safeguard biodiversity interests; and to safeguard on-site parking and circulation areas, having regard to Policies EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

27. The development hereby permitted shall accord with the following approved plans in respect of the proposed access details:

Drawing no. 0571-PL-SITE-001: Location Plan

Drawing no. 0571-PL-SITE-002 Rev B: Proposed Site Plan (Indicative).

Drawing no. 0571-PL-SITE-002 Rev B: Proposed Site Plan (Indicative) (Coloured).

Drawing no. A096493\_SK03 Rev D: Proposed Site Access via Public House Car Park.

Drawing no. A096493\_SK04 Rev B: Proposed Access Swept Path Analysis. Large Refuse Vehicle.

For the avoidance of doubt, the appearance, landscaping, layout and scale of the proposed development as indicated on said drawings are shown solely for illustrative purposes and are subject to further approval of reserved matters the subject of conditions 01 and 02.

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

## **Informatives:**

### **01. CIL**

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. LIGHTING

In respect of condition 19, light could cause nuisance to existing residential properties and ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

## 03. PROW

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.

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

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

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

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

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