



Notice of Meeting of

PLANNING COMMITTEE - SOUTH

Tuesday, 23 May 2023 at 5.30 pm

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

To: The members of the Planning Committee - South

Chair: Councillor Peter Seib
Vice-chair: Councillor Jason Baker

Councillor Steve Ashton	Councillor Mike Best
Councillor Henry Hobhouse	Councillor Andy Kendall
Councillor Jenny Kenton	Councillor Sue Osborne
Councillor Oliver Patrick	Councillor Evie Potts-Jones
Councillor Dean Ruddle	Councillor Jeny Snell
Councillor Martin Wale	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicessouth@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Friday, 19 May 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be streamed to YouTube and viewable at:

https://www.youtube.com/watch?v=mbqX2_jnQ4Q

Issued by (the Proper Officer) on Friday, 12 May 2023

AGENDA

Planning Committee - South - 5.30 pm Tuesday, 23 May 2023

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

1 Apologies for Absence

To receive any apologies for absence.

2 Declarations of Interest (Pages 7 - 8)

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors of Somerset Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

3 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

4 Schedule of Planning Applications to be Determined by Committee (Pages 9 - 10)

5 Planning Application 20/03725/FUL - Land at Frys Cottage, Cuttifords Door, Combe St Nicholas, Chard (Pages 11 - 20)

- 6 Planning Application 20/03277/FUL - Land North of Broadway Hill, Broadway Hill, Horton, Ilminster (Pages 21 - 92)**
- 7 Planning Application 20/03708/OUT - Land at Gold Well Farm, Yeovil Road, Crewkerne (Pages 93 - 152)**
- 8 Planning Application 21/03296/OUT - Land South of Southmead, Perry Street, South Chard, Chard. (Pages 153 - 226)**
- 9 Planning Committee South - Future Meeting Arrangements**

To consider the meeting arrangements for Planning Committee South and provision of alternative dates.

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Somerset Council - AC0000861332 - 2023

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 12noon providing 1 clear working day before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 12noon on the Monday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the

meeting, a representative should be nominated to present the views of a group.

For details for speaking at Planning Committee, please visit our website: [Speaking at Planning Committee \(somerset.gov.uk\)](https://www.somerset.gov.uk/planning-committee)

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.



SOMERSET COUNCIL

UNITARY COUNCILLORS WHO ARE ALSO TOWN AND/OR PARISH COUNCILLORS

Somerset
Council

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Steve Ashton	Crewkerne Town Council / Hinton St George Parish Council
Jason Baker	Chard Town Council
Mike Best	Crewkerne Town Council
Andy Kendall	Yeovil Town Council
Jenny Kenton	Chard Town Council
Sue Osborne	Ilminster Town Council
Evie Potts-Jones	Yeovil Town Council
Dean Ruddle	Somerton Town Council
Peter Seib	Brympton Parish Council / Chilthorne Domer Parish Council
Jeny Snell	Yeovil Town Council / Brympton Parish Council

Their memberships of Parish or Town Councils will be taken as being declared by these Councillors to be Personal Interests in the business of the Somerset Council meeting and need not be declared verbally.

Any Unitary Councillor who has a Prejudicial Interest by virtue of their Membership of a Parish or Town Council, or who has a special involvement by virtue of being a Parish or Town Councillor, in a matter to be discussed by the Somerset Council will be expected to declare that prejudicial interest personally or bring to the attention of the Somerset Council meeting their special involvement.

H CLARKE, Unitary Solicitor, April 2023

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Schedule of Planning Applications to be Determined by Committee

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

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Recommendation

Members are asked to note the schedule of planning applications.

Registering to speak about a planning application at this meeting

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting either by email to democraticserviceteam@somerset.gov.uk or by telephone on 01823 357628. Further information can be viewed in the Public Guidance Notes contained in the Agenda Annexe at the front of the agenda pack.

Agenda Number	Parish	Application	Brief Summary of Proposal	Site Address	Officer Rec.
5	COMBE ST NICHOLAS (Chard North Ward)	20/03725 /FUL	Erection of new dwellinghouse	Land at Frys Cottage, Cuttifords Door, Combe St Nicholas, Chard	To refuse
6	HORTON (Ilminster Ward)	20/03277 /FUL	Erection of 49 dwellings.	Land North of Broadway Hill, Broadway Hill, Horton, Ilminster	To approve

7	MERRIOTT (South Petherton & Islemoor Ward)	20/03708 /OUT	Outline application for the development of up to 67 dwellings.	Land at Gold Well Farm, Yeovil Road, Crewkerne	To approve
8	TATWORTH & FORTON (Chard South Ward)	21/03296 /OUT	Erection of up to 95 dwellings.	Land South of Southmead. Perry Street, South Chard, Chard	To approve

Officer Report On Planning Application: 20/03725/FUL

Proposal :	Erection of a new dwellinghouse
Site Address:	Land At Frys Cottage, Cuttifords Door, Combe St Nicholas, Chard, Somerset, TA20 3AA
Parish:	Combe St Nicholas
CHARD NORTH Ward	Cllr Jenny Kenton Cllr Martin Wale
Recommending Case Officer:	Ian Cousins (Specialist), Tel: 01935 462299 Email: ian.cousins@southsomerset.gov.uk
Target date :	6th May 2021
Applicant :	Mr Steve Glanzell
Agent: (no agent if blank)	Ms Jo Hibbert, Lower Hallfield, Chardleigh Green, Chard TA20 3AJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

In line with the adopted scheme of delegation, this application was referred to the Chair and Vice chair of Planning Committee as Combe St Nicholas Parish Council supported the proposal which is contrary to the officer recommendation. After consideration, it was decided that the application be referred to the Planning Committee to discuss the matter of sustainability.

SITE DESCRIPTION AND PROPOSAL





The site consists of the garden of Fry's Cottage in the hamlet of Cuttifford's Door, approximately 800m north of the town of Chard. The site lies on an existing tarmacked right of way CH5/33, which is used for access by a number of dwellings in the settlement. The site is surrounded by an extensive hedge, which contains a number of well-established trees.

Fry's Cottage lies to the west of the site, with other residential properties to the south and east, and open countryside to the north. The site lies within flood zone 1, and within a SSSI Impact Risk Zone, as well as in the catchment of the Somerset Levels and Moors Special Protection Area (SPA).

The proposal seeks full permission for the erection of one 3-bedroomed, two storey dwelling, with a double garage.

HISTORY

00/01413/FUL: Construction of a thatched roof together with erection of a conservatory (GR 321/101). Approved with conditions 10/7/2000

11/02249/FUL: The change of use of part of land from horticultural to residential and the demolition of existing lean to and the erection of a replacement single storey rear extension with the addition of a dormer window (Part retrospective) (GR

332167/110165) Approved with conditions 5/8/2011

16/00530/FUL: Alterations to include two storey extension and replacement of previously thatched roof with tiled roof. Approved with conditions 8/4/2016

20/00172/PREAPP: Proposed New Dwelling - Response given - 16/3/2020 - Advised that the Principle of Development is likely to be unacceptable on the grounds of sustainability.

To the south of the site lies an urban extension of Chard at Mount Hindrance:

18/04057/OUT- Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works. Pending consideration due to phosphates.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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
- TA5 Transport Impact of New Development
- TA6 Parking Standards
- EQ2 General Development
- EQ4 Biodiversity

National Planning Policy Framework

National Planning Policy Framework - 2021

National Design Guide - 2019

CONSULTATIONS

Combe St Nicolas Parish Council:

Support the proposal.

County Highway Authority:

Standing advice.

County Public Rights of Way Team:

There is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (public footpath CH 5/33). The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path CH 5/33. No objections to the proposal, subject to informatives.

SSDC Highway Consultant:

The traffic impact of the scheme on the local highway network is unlikely to be significant or severe. A plan showing details of the access should be submitted. The details within the site itself in respect of parking and turning are acceptable. A charging point for electric vehicles will be required.

Natural England:

The Somerset Levels & Moors Ramsar Site is in unfavourable condition due to excessive phosphate loading within its catchment. Natural England advises that this proposal has the potential to add to nutrient loads (phosphorous) within the catchment of the Somerset Levels & Moors Ramsar Site, and therefore it may require mitigation and be subject to a Habitats Regulations Assessment (HRA).

Following the submission and review of the HRA, Natural England raise no objection.

County Ecologist:

The submitted HRA is acceptable and can be conditioned.

REPRESENTATIONS

One representation has been received, supporting the application.

CONSIDERATIONS

Principle of Development

In determining the principle of residential development in this location, it is noted that the presumption in favour of sustainable development and how this should be applied to planning decisions is set out at paragraph 11 of the NPPF. At 11 (d), the framework states that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five-year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.

It is acknowledged that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The most recent supply statement outlines that the supply position in South Somerset stands at 3.7 years. As a result, the presumption in favour of sustainable development set out in the NPPF is engaged.

Strategic policy SS1 of the South Somerset Local Plan sets out the settlement hierarchy for the district and places Chard as a primary market town which is the prime focus for development. Policy SS5 goes on to state that through the plan period to 2028, 2,716 dwellings will be located within the Chard strategic growth area, as explained through policy PMT1.

The application site lies outside of the main built form of Chard but forms part of a handful of dwellings that make up the small hamlet of Cuttifford's Door. The site is therefore not considered to be isolated. That said, the hamlet cannot be considered as situating itself within a cluster whereby reasonable access to two or more village services are afforded. The proximity to 'Chard Garden Centre' is noted but this is not a typical local amenity for which future occupiers can rely upon for day-to-day sustainable living. The relative proximity to Redstart Primary School is acknowledged,

but this is still over ½ mile away and is either via unlit public rights of way through agricultural land or along narrow yet busy unlit, minor roads. These do not offer reasonable access to this facility.

Other services and facilities within Chard are further away and similarly will rely on the use of the private motor car by future occupiers. Therefore, the site is not considered to be broadly sustainable in support of new open-market housing and would run counter to the requirements of the South Somerset Local Plan and the principles as set out within the NPPF.

The urban extension for Chard under consideration by the LPA (18/04057/OUT) is pertinent to the proposal as this would, as intended, extend the built form of Chard northwards to Cuttiford's Door. Should the scheme be delivered, it would increase the overall sustainability of the site, through the provision of integrated footway / active travel networks along with sports facilities and community uses. Should the application for the urban extension be permitted and implemented, at this point the application site could be considered sustainable, whereby under the current Local Plan, it is possible that new open-market housing *could* be supported.

Accordingly, until the urban extension has come forward, the site is considered sited in an unsustainable location and the principle of development is not acceptable.

Visual amenity and design

The proposed dwelling is two storeys, in an 'L' shape, with a pitched roof and gable ends, with a two car garage proposed to the north. The materials proposed are in render and natural slate to the roofs and timber windows and doors. There is no one overriding vernacular in the vicinity of the site and the site is well contained visually by existing trees and hedgerows, the majority of which are proposed to be retained. Given this, the proposed design is considered acceptable.

Residential Amenity

Fry's Cottage lies to the east of the site by a distance of 56m. Given this distance, there will be no impact on the residential amenity of the occupiers of Fry's Cottage. The property Alders Gate lies to the south and one of its end elevations would lie 13m from the south elevation of the proposed property. The proposed dwelling has windows to the kitchen and living room on the ground floor and a bathroom and a bedroom on the second floor. It is separated from the garden of Alders Gate by a well established hedge. Given that the proposed dwelling faces a side elevation of Alders Gate and only one habitable room window on the upper floor, this distance is

considered acceptable and will not result in harm to the residential amenity of the occupiers of Alders Gate.

Highways

The access to the site is via an existing lane which serves a number of other properties, including Fry's Cottage, that is also a public right of way (CH 5/33). The use of this lane for one extra dwelling is considered acceptable. Whilst the Council's Highway Officer has requested a plan of the visibility splays, given that it is one dwelling on a very quiet lane, it is considered that achieving the standard visibility would result in unacceptable loss of well established hedgerows and as such, the proposed access is considered appropriate here.

The proposal includes 2 off street parking in a proposed garage, but there is space for more cars to be parked on site. The level of parking is deemed appropriate, given how close the site is to Chard.

Electric car charging points will be recommended by condition.

Trees and Hedgerows

The proposal includes the loss of 5-6m of hedgerow to create an access. Given the level of hedgerow and hedgerow trees on the site boundaries this is considered appropriate. A condition seeking protection of existing hedgerows and trees on site will be recommended.

Ecology

The application is supported by an ecological appraisal that shows that the site is not utilised by any protected species or priority species or habitats but could be potentially used. However, to ensure biodiversity gain, the recommendations for mitigation and enhancement in Chapter 4 of the ecological appraisal will be conditioned.

Somerset Levels and Moors SPA

The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitats Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. The Ramsar Site consists of a number of Sites of Special Scientific Interest (SSSIs) within what is the largest area of lowland wet grassland and wetland habitat remaining in Britain, within the flood plains of the Rivers Axe, Brue, Parrett, Tone and their tributaries. The Ramsar site attracts internationally important numbers

of wildlife, including wildfowl, aquatic invertebrates, and is an important site for breeding waders.

The application site is located with the Somerset Levels and Moors Ramsar Site catchment area and therefore assessment and mitigation with regard to phosphate output is required.

The applicant has submitted a phosphate mitigation strategy comprising a nutrient mitigation strategy, nutrient neutrality mitigation plan and shadow Habitat Regulation Assessment to demonstrate that the proposed development will be phosphate neutral.

A Shadow Habitats Regulation Assessment has been submitted and reviewed by Somerset Ecology Services and Natural England. Both have endorsed the document as it demonstrates Phosphate Neutrality through the proposed mitigation.

CONCLUSION

The application site lies within open-countryside as it is not related to the main built-up part of Chard and Cuttiford's Door is not a recognised or serviced settlement which is judged as being suitable for new open-market housing by the prevailing policies of the development plan. It does not offer reasonable access to services and facilities relied upon for day-to-day living. Therefore, although the development may result in some economic benefits, these would be extremely localised and short-term (construction phase) and nevertheless, are not guaranteed. Indeed, the development could result in adverse social impacts including compromised community goodwill in terms of additional housing in the open-countryside which runs counter to the spatial strategy for the District.

REASON FOR REFUSAL

The application site lies within a small, un-serviced hamlet which is not identified as a rural settlement whereby new open-market housing can be supported. The site does not offer reasonable access to services and facilities and would otherwise, rely on the use of private transport. The proposal would therefore run contrary to the spatial strategy for the district and would promote a wholly unsustainable pattern of development. The proposal is therefore contrary to Policy SD1, SS1 and SS2 of the South Somerset Local Plan, along with the principles as set out within the National Planning Policy Framework (2021).

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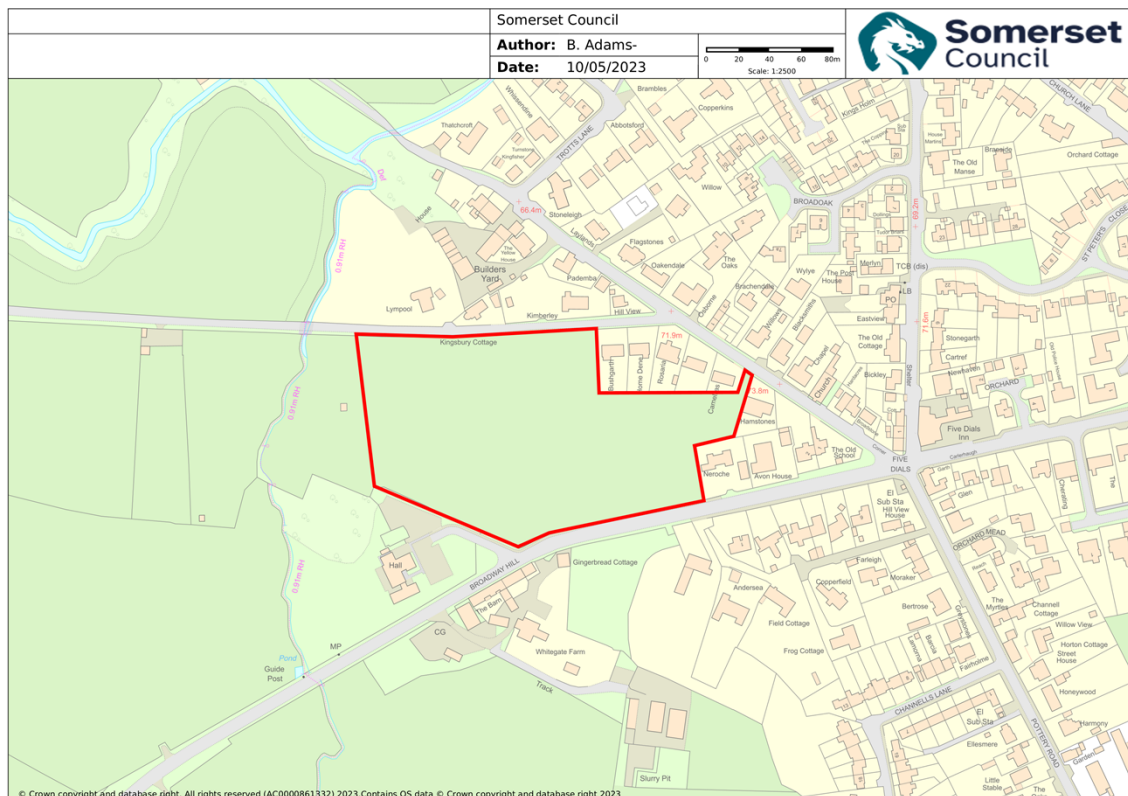
Officer Report On Planning Application: 20/03277/FUL

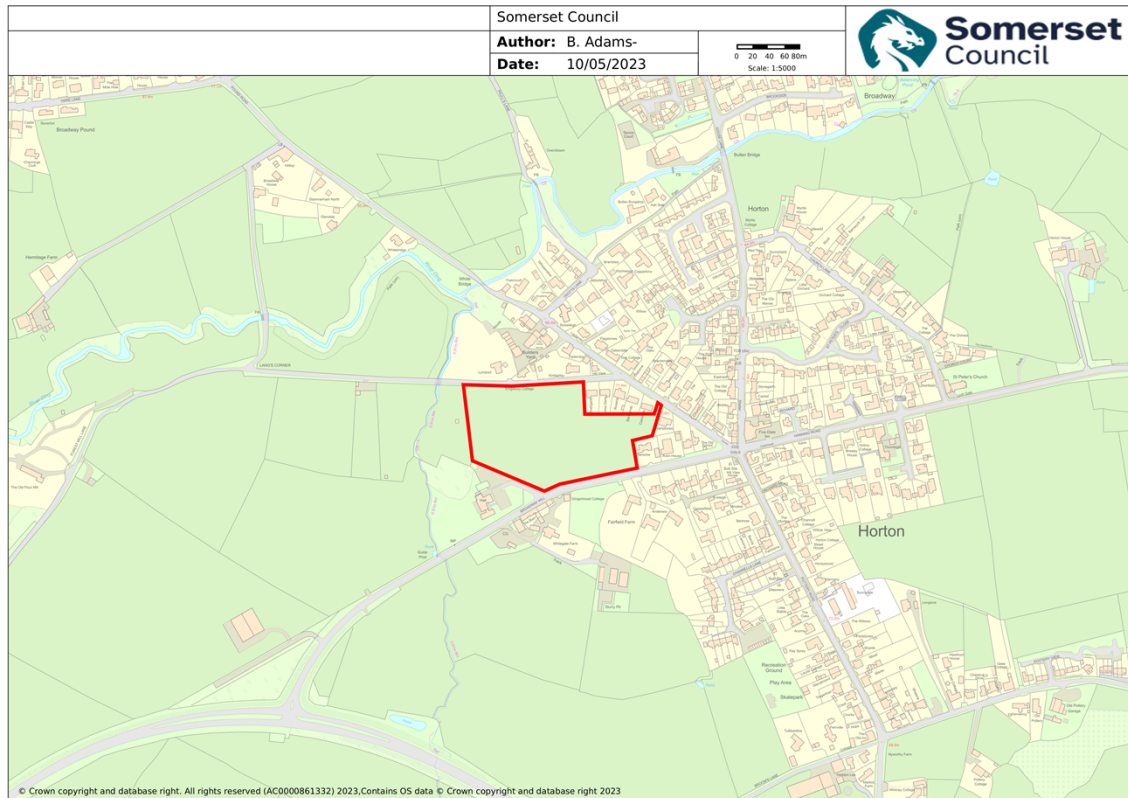
Proposal :	Erection of 49 dwellings and formation of vehicular access.
Site Address:	Land North Of Broadway Hill, Broadway Hill, Horton, Ilminster, Somerset, TA19 9QU
Parish:	Horton
ILMINSTER Ward	Cllr Val Keitch, Cllr Sue Osborne
Recommending Case Officer:	Catherine Tyrer (Principle Specialist) Tel: 01935 462533 Email: catherine.tyrer@somerset.gov.uk
Target date :	11th June 2021
Applicant :	Galion Ltd
Agent: (no agent if blank)	Mr Eric Telford, Wienerberger House, Brooks Drive, Royal Business Park, Manchester SK8 3SA
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL:

This application is referred to the South Area Planning Committee as there are objections from the Parish Council and as a major planning application under the Council's Scheme of Delegation this is automatically referred to Committee for determination.

Site Description:





The approx. 2.28ha. application site comprises an agricultural field, currently grassed, to the rear (generally westwards) of a group of dwellings that front onto Pound Road, Broadway Hill and Forest Mill Lane.

The site forms an undeveloped land parcel to the west of Horton village centre, which radiates from the crossroads adjacent to the Five Dials Inn. It lies between the village core and its outer reaches, with the Village Hall to the south-east and the housing between Forest Mill Lane and Pound Road to the north.

The field is currently accessed by a track off Pound Road that leads between the row of dwellings. It is bounded largely by field hedges and some domestic curtilage hedging or fencing.

Constraints include:

- Agricultural Classification Grade 3
- Archaeological potential
- Somerset Levels and Moors Ramsar Catchment Area
- SSSI Impact Risk Zones

Description of Proposal:

Amendments and additional information have been received during the course of this application in response to officer concerns.

This application seeks permission for the erection of 49no. dwellings and formation of a new vehicular access off Broadway Hill.

The scheme would include 17no. affordable housing units and 32no. open market housing units, approx. 1,349sqm on-site public open space, associated landscaping, 159no. parking spaces, 49no. EV charging points, and off-site phosphate mitigation.

Relevant Planning History:

None relevant

Development Plan:

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

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respect listed buildings and states:
in considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the following:

South Somerset Local Plan adopted March 2015

SD1 Sustainable Development

SS2 Development in Rural Settlements

SS4 District-Wide Housing Provision

SS6 Infrastructure Delivery

HG3 Provision of Affordable Housing

HG5 Achieving a Mix of Market Housing
TA1 Low Carbon Travel
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
EQ6 Woodland and Forests
EQ7 Pollution Control

No weight is afforded to the Local Plan Review by reason that it had reached only an early stage in the process and has now been delayed indefinitely due to the transition from district council to unitary in April 2023.

Neighbourhood Plan

None relevant

Other material considerations

Department for Communities and Local Government, Technical housing standards - nationally described space standard, (NDSS), March 2015
National Planning Policy Framework (NPPF) 2021
Somerset County Council, Parking Strategy, September 2013
South Somerset District Council, Community Infrastructure Levy Charging Schedule, November 2016
South Somerset District Council, Five-Year Housing Land Supply Paper, November 2022
South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021
South Somerset District Council, Landscape Assessment, published 1993
South Somerset District Council, Local Housing Needs Assessment, (LHNA), October 2021
South Somerset District Council, Policy HG3 First Homes Position Statement, (FHPS), December 2021

CONSULTEES:

This application has been subject to 2no. public consultations. Consultee comments summarised below. Full comments available on Planning Register.

Broadway Parish Council

Objection remains following receipt of amendments and additional information due to failure to comply with the NPPF and the Local Plan; impact on the landscape; impact on traffic; inadequacy of primary school capacity for the increase in young children.

Crime Prevention Design Advisor

Initial concerns regarding narrowness and lack of natural surveillance of public footpath, inadequate street lighting, public access to rear plot boundaries, lack of secure cycle parking, lack of natural surveillance to public open space and isolation of some plots.

Amended scheme concerns regarding lack of 1.8m protective boundary fencing to some plots and buffer zone, also how vehicular access to public open space would be prevented.

[Officer note: Original concerns now overcome. Detail on the above has been provided in the documentation and further clarified by email from the agent dated 22/07/22. As such, this element is not considered a matter for concern and would be addressed via conditions and informative.]

Environment Agency

No response received.

Horton Parish Council

Objection received with ATC Commissioned by Moss Naylor Young on behalf of the Parish Council. The results show average speeds on Broadway Hill in vicinity of site entrance are above the speed limit (32.2 - 32.5mph) and that the 85 percentile is well above the speed limit (38.4-38.5mph) with several daytime speeds in excess of 41mph.

Manual for Streets (MfS) would require an increase in visibility splays from 43m to

59m and applicant has not demonstrated this can be achieved.

Remiss of Highways Authority not to have raised this point. There is now evidence demonstrating that further work is needed to demonstrate the safety of the access.

Objection remains following receipt of amendments and additional information by reason that the housing need is questionable; the scheme is too dense and the quantum too high for the village; inadequate amenities, infrastructure including sewerage; off-site phosphate mitigation unsatisfactory and does not mitigate the local harm; lack of pedestrian safety on Broadway Hill; housing too close to village hall and susceptible to noise pollution; harm to dormice; developer has ignored feedback from local community.

Lead Local Flood Authority (LLFA)

No objections subject to conditions

Natural England:

Comments dated 31/01/23: Original concerns regarding proposed phosphate mitigation overcome following receipt of additional information and amended plans - acceptable subject to conditions/S106 agreement

Somerset County Council Ecologist:

Comments dated 01/02/23: Original concerns regarding phosphates overcome following receipt of additional information and amended plans; acceptable subject to conditions/S106 agreement

NHS:

Based on infrastructure capacities for nearby surgeries, this development would not create a significant impact and therefore mitigation not requested.

Education

No objections subject to S106 agreement for developer contributions for secondary school places.

Highways Authority:

Comments in response to Parish Council objections and amended visibility splays May 2023: Upon receipt of updated visibility splays - confirmed satisfied with the visibility splay drawing. Recommended that visibility splay condition is amended as follows but previous comments remain in all other respects unchanged:

"There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 62 metres either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times."

It is not always the case that a speed survey is required for all applications. On this occasion the site access was positioned well beyond the speed limiter sign and within the existing built form of the village where it would reasonably be expected that drivers would have a good level of awareness of the posted speed limit. During the site visit passing traffic was observed and noted that traffic volumes were relatively light and that speeds generally appeared to accord with the speed limit. Since the application was submitted, no recollection of concerns being raised directly with the Highways Authority about traffic speeds.

Turning to the submitted speed survey, this was carried out over the period of a week using an ATC and indicates 85% traffic speeds of 38.2 mph. Based on this information and the nature of the road and traffic volumes Officers opinion that visibility splays (based on Manual for Streets) measuring 2.4 metres back by 62 metres to the nearside carriageway edge in either direction would be proportionate. Currently the visibility splays measuring 43 metres have been demonstrated. It would appear likely that the extended visibility splays of 62 metres should be achievable however applicant advised to provide an updated drawing of the access including the extended visibility splays to demonstrate that can be delivered within highway land or land under their control.

Updated comments received 11/01/23: previous concerns now overcome following amendments and additional information; no objections subject to conditions and legal agreement.

Somerset Waste Partnership:

Comments dated 20/10/22: No remaining concerns regarding refuse vehicle access

within site.

South Somerset District Council Affordable Housing Officer:

Comments dated 17/06/22: No objections subject to S106 agreement; term 'affordable rent' to be replaced with 'social rent' on plans; check Plots 12 and 13 ground floor flats wheelchair accessible; query remains regarding different construction method for market/affordable units.

[Officer Note: Wording updated on Amended Plot Schedule, ref. HTN-WBR-ZZ-ZZ-RP-A 13601 and Layout Tenure Plan, ref. HTN-WBR-ZZ-ZZ-DR-A-13303C, Rev.P12, received on 05/01/23]

South Somerset District Council Environmental Health Officer:

No comments subject to conditions and informatives

South Somerset District Council Open Space Officer:

Comments dated 27/06/22: No objections subject to S106 agreement for public access to and ongoing maintenance of Public Open Space; previous concerns regarding insufficient open space and inadequate layout have been overcome by the amended plans and layout and reduction in quantum to 49no. new dwellings.

South West Heritage Trust:

Further information required prior to determination to assess impact on archaeological potential.

[Officer Note: A pre-commencement condition is considered reasonable to address this concern.]

Wessex Water:

Comments received 19/08/22: No objections subject to conditions

REPRESENTATIONS:

This application has been subject to 2no. public consultations. 105no. representations have been received from separate addresses, including CPRE Somerset and Somerset Wildlife Trust, of which 104no. object and 1no. is neutral.

Comments summarised below. Full comments available on Planning Register.

Objections:

- Horton and Broadway are rural villages and pasture land needs protecting
- Additional traffic will cause danger on rural lanes that are already busy
- Insufficient infrastructure for additional demand
- Not commensurate with the scale and character of the settlement. It does not respect the local context or character of the village. It does not provide employment opportunities, nor create or enhance community facilities or meet identified housing needs, so does not comply with policy SS2
- Does not protect biodiversity. Fence inside the hedgerows would create a barrier to wildlife movement and lead to hedgerow decline.
- Prevents potential pedestrian links with the village hall, removing any community gain in terms of improved pedestrian access.
- POS is just a small area of grass next to the access road.
- Concern regarding water runoff, foul drains and impact on local water quality remain. No phosphate mitigation strategy has been agreed for the catchments of the Somerset Levels.
- The proximity of the development to the village hall is likely to have a negative impact on events held there.
- already 60 consented dwellings in Broadway, with a further 15 awaiting decision. In Horton, 49 dwellings have either been recently built, or have planning consent. The villages are classified as rural settlements, so the combined developments across the two villages are well above the level needed to satisfy the housing need across the two villages.
- Most residents travel outside the village for work, recreation, education and health care, with no public transport. Further development in the village goes against the Local Plan's stated aim to reduce travel and emissions and the SSDC declaration of a climate emergency
- Only one vehicular entrance and exit is proposed and this is on the hill on the approach to Horton where there is already a considerable amount of traffic.
- needs to be parking for up to to 100 cars off highway, plus visitor parking
Garages are used for storage not parking.
- Thin wooden panel fencing presents a huge fire risk.
- Site is green field and in the heart of Broadway Village
- Revised entrance close to Village Hall is dangerous for children playing
- New development has new buildings overlooking adjacent properties
- Site is in a very prominent position. it will stand out like a "sore thumb" not matching existing village character
- Landscape and visual Impact assessment document does not reflect impact of development
- Development will be clearly seen from other side of the Ding which is outside the

- village but will now affect the rural view of properties outside the village
- Concern regarding maintenance of margins/open space and refuse collection
 - Loss of quiet place/road along Forest Mill Lane for dog walkers and children enjoying the nature trails around the Ding
 - Additional traffic poses a significant risk to the safety of pedestrians on an already busy Broadway Hill
 - Enhancement to pedestrian route required.
 - Local school and GP surgery would need expanding to accommodate new occupiers
 - There are very limited bus services, term time only so will all need to have cars and there are few facilities for teenagers
 - The sewage system cannot currently cope and is subject to overflowing onto the highway.
 - Planning permission should not be granted on greenfield sites when there are brownfield sites no more than a couple of miles away.
 - The Village Hall was sited away from housing with a 'buffer zone'...re activity.
 - Phosphate mitigation: use of land outside SSDC area, how can a section 106 be enforced? Is this land in the river Parrett catchment? And where are the necessary environmental surveys for change from open field to canopy cover?
 - No response received from developer regarding existing sewage pipe easement and maintained access
 - Outstanding and unresolved issues on water run-off, ongoing maintenance of water storage tanks and water pressure
 - increases risk of traffic accidents and dangerous for pedestrians
 - Relocating the planned Affordable Housing to plots closest to the potential disturbance from events at Horton Village Hall is unfair, cynical and unacceptable
 - All new houses should have either solar panels or core heating
 - New development should be an asset and in keeping
 - The small existing properties were constructed to take advantage of the view, this view will be replaced by a panorama of roofs higher than their own.
 - The planned lighting on the development is again totally out of keeping with a village that prides itself on little street lighting.
 - The Parish Council conducted a large evaluation of the proposed development, receiving almost 200 responses. The developer has not responded to these evaluations, and therefore gives no confidence they have any intention in working with the village on this development.
 - Horton does not want a site where affordable homes and homes for first time buyers are put in a corner of the field, they should be integrated with the other homes.
 - Space has still been left to further expand into the adjoining field.
 - Travel Plan not feasible

- Pre existing homes will have price reductions when selling due to the unpleasant amount of new housing to the local area.
- Access is a blind access on a hill and bend and very limited site lines without sticking your vehicle nose into the road.
- The Ghetto design remains to maximise profit.
- This is a "dark sky" location that will be harmed by the scheme
- Wildlife harm
- A development of 50 properties in isolation is too many for the location but when viewed in conjunction with 20/03508/FUL 9 properties, 19/03457/OUT 6 properties (developer splitting land into two tranches 17/04217/REM to forgo social housing), 19/03070/FUL 25 properties, 18/01311/OUT 35 properties, 19/02432/OUT 9 properties plus others equates to a minimum of 150 properties which could be built in the near future. This number excludes all recently approved planning applications.
- To support SSDC target to be carbon neutral by 2030 new developments should be located near local public transport hubs and they should have ground / air heat exchangers, solar panels and EV charge points.
- The planned development alters the existing character of the village and the surrounding Blackdowns AONB.
- There is no local support for this development and its impact on the community
- Community engagement by developer was inadequate and scheme does not reflect views of local people
- Scheme appears to have allowed a parcel of land to be developed at a later stage suggesting that the number of dwellings would be more than 50 in the end
- The shortfall in the 5 year supply of housing land which is inferred by the applicant, cannot justify bringing forward a site which is manifestly unsuitable and unsustainable
- No local employment
- Will increase the village population by around 100-200 people or 12%
- To support the development the village also needs a bus service to save an additional 5(minimum) cars making short journeys on the local roads.
- The development should also contribute to the villages existing play park which has an existing proposal for expansion. It is in a better location than the development for such a facility (away from a main road)
- Many villagers walk to Horton Village Hall for activities and events and they need to cross the road on Broadway Hill from one pavement to another in order to reach the village hall and return to the village which is a clear danger for pedestrians. As well as no pavement existing on either side of Broadway Hill between the village hall and the five dials junction for its entirety there are no lights along this route
- No information is provided to inform the Habitat Regulations Assessment (HRA)

which SSDC must undertake in its duty as the Competent Authority.

- The mains water pressure to the houses on Broadway Hill is only just above the lowest legal limit. Are these new houses going to have their water supply of this main and if so what is going to be done to improve the supply?
- No evidence that the development will contribute to climate change targets.
- Such a sizeable housing estate should be sited on the edge of a large town, eg Yeovil, not in a small rural village community.
- This development could take years to be completed and the impact (i.e Noise, dust) this would have on those living near the site would be unbearable.
- It is stated that there is a bus stop 200 yards away but doesn't mention a totally inadequate bus service (one bus a day to Ilminster) which would mean most people using cars to attend work or shopping
- SSDC local plan policy SS2 states proposals " Should generally have the support of the local community". As the developer has not acknowledged nor actioned over 150 residents initial responses, I question whether this process has been adequately implemented . Covid cannot be used as an excuse not to engage with the local community.
- Noise and Vibration Assessment - this development will be adjacent to TWO existing sources of noise and vibration, the A30 and the existing village hall (late licence). Why has this been omitted?
- Where is the energy statement?
- The proposed layout means that the gable end of a terrace will drastically overshadow my garden and bungalow with almost no space between them and my boundary fence. This is cramped and damaging to my environment. Our privacy and bathroom, bedroom and kitchen will all be visible to the second storey and over the 1meter high boundary fence. Basically the builders are cramming in as many houses as possible with no thought to the neighbours or indeed the character of this attractive village.
- If Galion could develop a field site along the lines of Standerwick Orchard in the village of Broadway, adjacent to Horton, then maybe the village of Horton could maintain some semblance of a rural village and not a village with an urban development added on the edge of it. Standerwick Orchard is set back from the lane, the houses are of mixed design, some thatched, small windows, basically in keeping with older village style properties.
- it is my view that to compromise the open outlook towards an AONB to that degree has a far greater sphere of consequence
- The "Traffic Impact" conducted by the applicant falls well short of the duty of care expected of our district council to prevent accidents and serious injury to pedestrians on Broadway Hill and Pound Road. It is extremely disappointing that the traffic/speed calming measures introduced in 2016 have proved ineffective.
- A rising foul main up Forest Mill Lane would link into a sewer running under our

drive and garage (which is not shown on the drainage strategy plan) putting foul drains of 50 dwellings (potentially 55) under our property. There has been no consultation with us.

- The ridge heights for plots 12-15 are 4.6 to 5.8m higher than the adjacent bungalows.
- More appropriate to the site would be: 30 homes on the basis of 10 affordable, 10 first time buyer and 10 open market. To avoid buy to rent, controls on the 'first time' and 'affordable' properties to be offered to local Somerset people, and a covenant placed on their deeds not to be sold as 'buy to let' for a period of no less than 10 years. That can be the privilege of the 'open market' property owners should they wish.
- There is "Parked Car Chaos" along Broadway Road at certain times, which is caused by both Neroche School and the Bell Inn having no parking.
- Most local people cannot afford so called affordable housing.
- Suggest that as part of this development there should be a new pavement to the Five Dials junction and the pavement all the way from the Hall should be improved.. Hedges rather than fences should be encouraged.
- No provision to benefit Horton village being proposed.
- No pavements in either Pound Road or Forest Mill Lane, also states bus stop 200m away - and claims this could be used for education/work etc the S1 is ONCE a day picking up at 9:15 to take to Ilminster and returns at 11:17!
- The site is at the wrong end of the village. Journeys to the local school will take vehicles through Broadway, already congested, or through Puddlebridge, a known accident black spot. The school is already full.
- All new developments should include environmental enhancements such as Rainwater Harvesting and Solar Panels. All properties should be future proofed with Charging Points for the electric cars
- We already have a play park we do not want another one!
- There should be a bigger Buffer zone between development and Forest Mills Drive
- Land that helps agriculture and food production should not be sacrificed for a short term financial gain, especially where there is no need for the housing.
- Are these homes being built to a net zero carbon standard
- This development would be on 2 sides of an adjacent property and would totally change the outlook from their house, it would completely box them in.
- All new properties adjoining Broadway Hill, Forest Mills Lane and Pound Road should be bungalows or chalet style in order to maintain a lower roof line. This will then enable those existing properties to retain at least some view of the Blackdown Hills /Castle Neroche.
- There should be a buffer of land around the village hall for noise reduction for new residents.

- Although the Ecological Impact Assessment specifies various measures for Mitigation and Enhancement for wildlife these will not be sufficient for Dormice bearing in mind the significant negative impact of the predation of domestic cats which cannot be mitigated against

Neutral:

- The previous plan indicated a pedestrian entrance via the existing gateway into Pound Road. This would allow variety in movement in the complex. It would allow families, people with mobility problems and cyclists to be away from the Hanning Road and traffic coming off the A303. Crossing the Pound Road the pedestrians could feed round more safely to the Post Office or school in Broadway.

ANALYSIS:

Principle of Development:

Local Plan policy SS1 effectively defines Broadway & Horton as rural settlements to which policy SS2 applies.

Local Plan policy SS2 states:

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

- *Meets identified housing need, particularly for affordable housing*
- *Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general..*
- *Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.*
- *Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services...*

Local Plan paragraph 5.41 states:

...new housing development should only be located in those Rural Settlements that offer a range (i.e. two or more) of the following services, or that provide these within a cluster of settlements:-

- *local convenience shop;*
- *post office;*
- *pub;*
- *children's play area/sports pitch;*
- *village hall/community centre;*

- *health centre;*
- *faith facility; and*
- *primary school.*

Local Plan policy SS4 states:

Provision will be made for sufficient development to meet an overall district requirement of at least 15,950 dwellings in the plan period April 2006 - March 2028 inclusive.

Local Plan policy HG5 supports delivery of a range of market housing types and sizes to reflect local need.

NPPF paragraph 73 supports the delivery of new homes through extensions to existing villages, among other criteria.

SSDC Five-Year Housing Land Supply Paper, (5YHLS) dated November 2022, notes that the Council cannot currently demonstrate a five-year supply of housing sites but rather the equivalent of 3.7 years.

As such, NPPF paragraph 11 d) applies, as follows:

Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:

...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.

However, the provisions of NPPF paragraph 11(d)(ii) do not preclude the emphasis within the NPPF to promote a plan-led approach. When decision taking, where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites), the amount of weight to be attributed to relevant policies (i.e those that affect the supply of housing) should be assessed depending on their consistency with the framework.

Key services in rural settlements

Horton village includes a village hall, two faith facilities, a play area, a post office and a pub. As such, the proposed site would comply with policy SS2 in this regard.

Identified housing need, excluding affordable housing

The Council's latest position, dated November 2022, on the five-year housing land supply for SSDC, for the five-year period from 1 April 2021 to 31 March 2026, identifies a local housing need for 3,717no. dwellings over the five years, or an annual completion rate of 743.4no. dwellings across the whole district.

Representations have been received concerning the number of residential developments that have recently been granted or applied for in the vicinity of the site, which could reduce the identified housing need for the area.

As confirmed by the Council's Policy Team, the Housing figures for Horton Parish for the Plan period up to 30/06/22 include 43no. completions and 6no. commitments.

Taking the completions and commitments together, these would equate to 49no. potential new dwellings in the parish in the Plan period, (22 years), representing 2.2no. new dwellings per year. Including the current application, this would equate to 4.4no. dwellings per year.

It is acknowledged that if or when the commitments in the parish would be implemented is an unknown factor. It is also recognised that the local housing need is district-wide and the specific needs of each individual parish or settlement are unknown.

Given the above, it is considered that the 49no. new dwellings proposed would fulfil an identified need and contribute towards the housing target identified in the latest 5YHLS and policy SS4. As such, the scheme is considered capable of compliance with policy SS2 in this regard.

Identified housing need, including affordable housing

The scheme would comprise almost 35% affordable housing, which is considered policy compliant as per the assessment later in this report.

The Council's Local Housing Needs Assessment, (LHNA), notes an identified need for 3,406no. new dwellings for Social or Affordable Rent. Given than the scheme would

contribute 17no. AH units towards this target, the proposal is considered compliant with the relevant criterion of policy SS2 in this regard.

The Council's Local Housing Needs Assessment, (LHNA), October 2021, at paragraph 5.44, notes an identified need for 169no. AH units per year (2020-40) across the district or 3,377no. over the Plan period.

As confirmed by the Council's Policy Team in an email dated 23/11/22, the affordable housing figures for Horton Parish for the Plan period 2006-28 include 8no. completions and 0no. commitments.

Including the current application, the combined completions and commitments for the parish would equate 1.25no. AH units per year which is approximately in line with the identified need. Excluding the current application, this figure lies at 0.4no. per year which is a significant under-provision.

In terms of First Homes, SSDC Policy HG3 First Homes Position Statement, (FHPS), states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

In this case, the amended scheme would involve 5no. First Homes, representing 29.4% of the proposed AH quantum, and is, therefore, considered acceptable subject to the provisions of a Section 106 agreement, which would secure the details.

Housing mix

Moving to policy HG5, the LHNA sets out the market housing need for 2020-2040, as shown below:

- 499no. of the total market housing provision or 6% should comprise 1-bedroom units
- 1,329no. of the total market housing provision or 15% should comprise 2-bedroom units
- 5,292no. of the total market housing provision or 59% should comprise 3-bedroom units
- 1,801no. of the total market housing provision or 20% should comprise 4+- bedroom units

The amended proposal includes the following market housing mix, as shown below:

- 0no. of the total market housing provision or 0% would comprise 1-bedroom units
- 4no. of the total market housing provision or 13% would comprise 2-bedroom units
- 18no. of the total market housing provision or 56% would comprise 3-bedroom units
- 10no. of the total market housing provision or 31% would comprise 4+-bedroom units

This shows that there would be slightly more homes with 4+ bedrooms and fewer 1, 2 and 3 bedroom homes than the LHNA identified need. However, the differential is not considered too great and the proposed mix of market housing is considered broadly acceptable, on balance, in terms of the latest needs of South Somerset.

Scale, character and sustainability of settlement

Scale and character will be assessed later in this report. However, the addition of 49no. new homes would be considered to increase footfall to local amenities and, therefore, to increase the social and economic sustainability of the village. As such, the scheme would be considered capable of policy compliance in this regard, subject to the assessment below.

Local community support and engagement

The site does not lie within a Neighbourhood Plan area. However, the applicant has undertaken public engagement, as noted in the DAS, and has submitted a Statement of Community Engagement, dated 05/11/20, which is considered acceptable.

As noted above, the Council has undertaken 2no. public consultations on this application following which, 105 representations from separate addresses have been received. Of these, 104 object.

Conclusion on principle

The site is identified in the South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021 Broadway & Horton as Suitable, Available and Achievable for housing under ref. W/HORT/0004. While this evidence base does not serve to establish the principle of residential development at this site, it does form a material consideration in this case.

It is also recognised that the so-called tilted balance of NPPF paragraph 11 d) is applicable in this case by reason that SSDC cannot currently demonstrate a five-year housing land supply.

On balance, it is the Officer's view that the evidenced need for housing and affordable housing, together with the identification of the site within the latest HELAA, and compliance with the majority of policy criteria as set out above, weigh heavily in favour of the proposed scheme.

For the above reasons, therefore, the principle of residential development at this site is considered acceptable, in accordance with Local Plan policies SS1 and SS2 and NPPF paragraphs 11 d) and 73.

Visual Amenity and Landscape Character:

Local Plan policy SS2 requires development to be commensurate with the scale and character of the settlement.

Policy EQ2 of the Local Plan requires high quality design, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district by:

- *Creating quality places;*
- *Conserving and enhancing the landscape character of the area;*
- *Reinforcing local distinctiveness and respect local context;*
- *Having regard to:*
 - *Local area character;*
 - *Site specific considerations; and*
 - *Not risking the integrity of internationally, nationally or locally designated landscape sites.*

Policy EQ5 of the Local Plan promotes the enhancement of green infrastructure with reference to walking and cycling routes, increasing access, improving physical and mental health benefits, increasing tree cover, enhancing landscape and place, protecting existing green infrastructure and mitigating any loss.

Paragraph 124 of the NPPF states:

Planning... decisions should support development that makes efficient use of land...

NPPF paragraph 130 states, among other points, that:

Planning .. decisions should ensure that developments...

- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)...

Paragraph 174 b) of the NPPF states:

Planning... decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The site lies within Landscape Character Area Region 2: Blackdown Hills Plateau, Foothills and Valleys of which it is identified as Lower Lias Foothills and Lowland Forest. The SSDC Landscape Assessment notes that this area:

- Horton and Broadway villages are composed of ribbon development and modern infilling;
- Range of architectural styles and materials, including older light brown stone and thatched buildings;
- Generally improved grassland on rolling ridgeland and relatively low tree cover;
- Diverse landscape, difficult to pinpoint individual elements of significance.

The application site lies beyond any protected landscape. However, the Blackdown Hills AONB lies approx. 2.3km to the west and is visible from the site.

Local built context

The dwellings adjacent to the site largely comprise relatively small, detached bungalows set in generous plots, with adjoining garages, of a post-war appearance, with pitched roofs covered by concrete interlocking tiles and with off-white painted render walls and yellow-coloured stone finish to the front elevation. Neroche is the exception being of two storeys, dark red brick elevations and a hipped, red plain tile covered roof.

The dwellings further from the site include more traditional, two-storey, pitched roofed dwellings with plain red tile or slate roof covering and off-white painted render with stone facing to the front elevation.

The front boundaries in the vicinity of the site commonly involve a grass verge and hedge or low-level stone wall.

Topography

The submitted Site Sections drawing shows that the site slopes downwards by approx. 6m from east to west and upwards from north to south by approx. 2.7m.

The submitted Flood Risk Assessment notes that the ground falls by 10m from south-east to north-west.

Layout and access

The scheme would involve the erection of 49no. new dwellings of which all but one would be reached via a new access off the north side Broadway Hill, halfway between the village hall access and Neroche. Plot 9 to the east would be accessed via an existing track off Pound Road.

The layout would largely follow the site peripheries, with the proposed dwellings fronting onto internal spur roads, generally parallel to the existing boundaries.

The ratio of 49no. dwellings to a site area of approx. 2.28ha. results in a proposed density of 21.5no. dph.

All of the units would be detached with the exception of dwelling types A0, A1, A2, A3, A4, A5 and A6, which would comprise two-storey buildings, each with their own rear garden and parking to the front.

17no. dwellings would have a detached garage, either independent or adjoining that of the neighbouring dwelling.

Parking provision would be required for 156 cars as detailed in the Highways section below.

Representations have been received concerning the loss of the originally proposed footpath through the site which would have slightly reduced the walk from parts of Horton to the village hall. While Policy EQ5 encourages increased access to the countryside, the previously proposed pedestrian route would not have been considered to meet this criterion.

The amended scheme is not considered to increase access to the countryside through the introduction of walking or cycling routes. However, the existing site is bounded by hedges and has only one access point, so cannot be traversed. As such, the impact of the scheme in this regard is considered neutral.

Public open space (POS)

A public open space measuring approx. 734 sqm would be sited opposite the main entrance to the development to be grassed with wildflower areas and 12no. trees proposed.

The POS would be bounded to the rear (north) by housing and by roads/pavements to the front and sides.

A smaller POS, measuring approx. 103 sqm, would be sited to the front (north) of plots 44 and 45 that would also be grassed and would involve 3no. new trees.

A further POS, measuring approx. 512 sqm, would be sited in the north-west corner, which would include a pumping station and would be grassed, with wildflower areas, and 9no. trees proposed.

The POSs would be maintained by a management company to be detailed in the S106 agreement.

Scale

The proposed dwellings would range from one and a half-storey chalet bungalows, such as B4, with a ridge height of 7.18m, to two storey houses, such as J2, with a ridge height of 9.72m.

The northern portion of the site would involve chalet bungalows with two-storey dwellings to the west at plots 35 and 36 where the ground level is lower.

Section 1 on the submitted Site Sections drawing shows that the ridge height of the north-eastern-most dwelling, plot 20, would be approx. 2m higher than the adjacent dwelling at Bushgarth, albeit both are/would be bungalows. Plot 35, albeit at a lower ground level, would have a ridge height approx. 0.8m above that of Bushgarth.

There would be a number of two-storey blocks of flats on the eastern side of the site, with the exception of the bungalow at Plot 9. Section 2 shows that the building at Plots 1, 2 and 3 would have a ridge height approx. 1.7m higher than that of Neroche adjacent. From this point, the ridge heights would decrease as the ground levels lower moving westwards, albeit the proposed dwellings would remain two-storey.

Section 5 shows that the proposed dwellings closest to those existing that front onto

Forest Mill Lane would be substantially higher, by reason of their two-storey nature relative to the existing modest bungalows adjacent, and of the rising ground level from north to south. As such, Plots 10-13 would have a ridge height approx. 5.4m higher than that of Rosaria to the north.

Appearance

The units would comprise pitched roofs with gable ends, some with front and/or rear pitched roof dormers also with gable ends, and some with pitched roofed timber-framed porches.

The proposed materials would comprise: red or dark grey small plain tiled roofs; black rainwater goods; smooth off-white rendered walls with feature walls finished in Blue Lias cropped stone or red facing brickwork; external corners with projecting stone or brick quoins; buff colour Bath stone cills and lintels (no lintels to dormer windows); off-white painted hardwood casement windows and doors with clear double-glazing; painted timber barge boards to dormers; porch roofs to match main roofs with timber posts on natural stone.

As confirmed by email dated 20/09/22, the pumping station to be sited within the POS in the north-west corner of the site would comprise a dark green GRP (glass reinforced plastic) enclosure sized to fit pumping equipment to be confirmed once detailed drainage scheme has been agreed with the water authority and the type of pump selected. As such, this element would require the submission of further details to be approved by condition.

No details of the proposed bin storage have been submitted. However, given the adequate size of the private amenity space for each dwelling, it is considered reasonable to secure this via condition.

No details of the proposed heat pumps have been proposed. However, given the adequate size of the private amenity space for each dwelling, it is considered reasonable to secure this via condition.

Boundary treatments

The existing hedgerows along the site boundaries, with the exception of the new site access point on the north side of Broadway Hill, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. As confirmed by email dated 22/07/22, the proposed protective fencing would be 1.5m high open mesh with smaller mesh at the lower 0.5m level to avoid rabbits entering the gardens; details would be secured via condition.

Garden boundaries within the eastern portion of the site would be treated with 1.8m high close boarded timber fencing while the remainder would comprise hedging with an integrated low-level barrier; low level timber bollards would align the open boundaries of the larger proposed POS adjacent to plots 18 and 14, and the smaller POS adjacent to plots 44-45; the means of enclosure to the south-west boundary of the POS in the north-west corner of the site would be subject to a condition by reason that the detailed design is contingent on further drainage details and pumping station requirements. Elsewhere, 1m high estate railings or 1.2m stone wall w/ cock/hen capping would be installed, in some cases to align the proposed hedging.

As confirmed by email dated 20/09/22, the rear and side boundaries between the site and the rear/side of the properties on Forest Mill Lane and Pound Road, including the side boundary to the bungalow to the immediate east of Plot 9, would be bounded with 1.8m close boarded timber fencing. This would be secured by condition.

At the POS in the north-west corner of the site, the existing hedge would form the northern and western boundaries, with a 1.8m high timber fence along the eastern boundary with Plot 36. As confirmed by email, a security fence around the pumping station itself may be required and this element would be detailed via condition.

Trees and landscaping

As noted above, the existing field boundary hedge, generally 5-6m high, would be retained and enhanced with the exception of the new access. The proposal includes 67no. new trees, 1,033no. new shrubs and 1,161m of new native hedging, and 243 sqm of wildflower planting, as detailed in the submitted Planting Plan and Schedule, Rev.G.

In addition to the soft landscaping provided in the private gardens and boundary treatments, the scheme would involve the 3no. POS noted above.

Assessment of visual impact

The scheme will introduce built form and associated infrastructure and domestic paraphernalia into a greenfield site, together with a substantial intensification of activity over the existing use. However, the site lies, to all intents and purposes, within the envelope of Horton village and reads as if it had been set aside for residential development. As such, the infilling of this wedge-shaped parcel of land would not be considered visually incongruous with the existing settlement form.

Given the physical relationship between this parcel of land and the village settlement pattern, the site is not considered to form open countryside but rather appears an incongruous insertion into the built envelope. As such, the proposed change of use would not be considered out of character with the surrounding area and the appearance would remain that of a small, rural village.

The change to outlook for occupants of neighbouring dwellings will be assessed in the following section.

In terms of density, the submitted Design and Access Statement (DAS) notes that the site identified under ref. W/HORT/0004 measures 1.4ha and was considered suitable for 42no. dwellings, while the application under consideration measures approx. 2.28ha. As such, site, W/HORT/0004, would yield a housing density of 30 dph (dwellings per hectare) while the amended scheme under consideration would yield 21.5 dph.

The residential plot sizes adjacent to the site are relatively large, with Neroche measuring approx. 1,076 sqm. However, there is a wide variety of plot sizes in the village, with smaller examples, such as at no.4 Broadoak, which measures approx. 150 sqm.

With the NPPF's objective to make efficient use of land in mind, it is not realistic to develop at density standards that informed the earlier expansion of communities. Whilst plot sizes are overall smaller than those providing local context, the scheme includes a large number of detached units and uses a high proportion of chalet designs to reflect the lower density context. For these reasons, the proposed dwellings would not be considered out of character in terms of plot size or density.

It is recognised that the proposed dwellings would generally be taller than the existing dwellings in the immediate vicinity and this would be exacerbated by the higher land levels in the north-eastern parts of the site.

However, there would be a reasonable separation gap between the closest proposed dwellings and those existing, of over 25m between Bushgarth and Plot 17 and over 21m between Banklands and Plot 10. This, together with the retained and enhanced intervening hedges would reduce the appearance of the higher ridge heights in the north-eastern part of the site.

Notwithstanding the difference in ridge heights, it must also be recognised that the majority of dwellings in the surrounding area are taller, having two-storeys. The modest bungalows to the north-east and east of the site, could be viewed as

providing a transition between the taller buildings towards the main core of the village, including the church, and the open countryside beyond.

However, it is the Officer's view that the example of Neroche, undermines that rationale and it is more likely that the modest bungalows were designed in response to popular thinking at the time of construction, swathes of which can be seen in settlements across the South West.

In this case, the proposed layout has been designed with bungalows on the south side of Forest Mill Lane, adjacent to those existing and at Plot 9. As such, the scheme does respond in some way to its context with the taller dwellings generally sited at the lower ground levels. While the proposed chalet bungalows would be taller than the existing bungalows, it is acknowledged that the existing dwellings are particularly modest in scale and relatively inefficient in terms of land use.

The siting of two-storey buildings at Plots 10-17 would be somewhat out of scale with the immediate surroundings and would be considered to result in an adverse impact. However, it is the Officer's view that siting the blocks of flats closer to the existing built form would be justified by reason that:

- The higher density element of the development would be better sited closer to the core of the settlement, with lower density towards the periphery, allowing a transition towards the open countryside;
- The inclusion of this higher density element would make the scheme more efficient in terms of land use in line with NPPF paragraph 124;
- It would also improve the range of housing types to be delivered in response to local need, as noted above, including AH.

As such, this disbenefit alone is not considered grounds for refusal in this case.

Cumulative impact

Representations have been received regarding the cumulative impact of the current applications under consideration when taken together with recently approved development in Horton and Broadway.

It is the Officer's view that no other housing developments would be sited within the immediate vicinity of the current application site. As such, no cumulative impact on the visual amenity would result in this case.

The impact on infrastructure is discussed later in this report.

Landscape impact

A Landscape and Visual Impact Assessment (LVIA) dated November 2020 has been submitted in support of this application. This notes that:

- *...there will be an immediate change in the character of the existing site as the proposed development and associated infrastructure are introduced. There is potential for any identified adverse effects being reduced over time as the planting and landscape framework within the site matures.*
- *The proposed development is likely to have an imperceptible effect on the broad landscape character.*
- *...the long term residual effects of the development are not likely to exceed moderate, but mostly minor in terms of significance to the overall landscape and visual amenity. Potential adverse effects that have been identified to be present at the operational stage, especially on the site and its setting will be reduced and offset by the mitigation provided in the potential planting scheme described within the landscape strategy.*

It is noted that views of the Blackdown Hills AONB are available from the site. However, given the distance from the AONB; the edge of village site; and the retention and enhancement of the existing boundary hedges; it is not considered that the visual change resulting from the proposed introduction of housing into this field would have a significant impact on the setting of the AONB or views to and from the protected landscape.

By reason of the appearance of this parcel of land as lying within the existing settlement area, together with the proposed soft landscaping and the sloping site that reduces the visual impact of the proposed dwellings further away from the village core, the scheme would not be considered to give rise to unacceptable visual harm to the surrounding landscape.

Conclusion on visual impact

The proposed quantum of dwellings would not be out of scale with the village by reason of the relationship of the land parcel to the settlement form and the proposed density, which is considered generally in keeping with that of Horton as a whole. This is considered to accord with policy SS2 and NPPF para. 124.

Overall, the proposed layout, design and appearance would be considered to integrate well with the surrounding area and no harmful landscape impact is considered to ensue. As such, this would accord with policy EQ2 and NPPF para.174 b).

The scheme would retain and enhance the existing hedgerows with the exception of the proposed new access point. While it would replace an area of existing grassland, it would result in a net gain in terms of tree and hedge planting, and would retain green infrastructure by way of the 3no. POSs and private gardens, with one per dwelling, including the flats. This is considered overall to accord with policy EQ5.

Should the Council be minded to approve this application then it would be considered reasonable to impose conditions in this regard.

For the above reasons, the proposed development is considered, subject to conditions, capable of compliance with Local Plan policies SS2, EQ2 and EQ5, and NPPF paragraphs 124, 130 and 174 b).

Neighbouring Amenity:

Local Plan policy EQ2 states:

Development proposals should protect the residential amenity of neighbouring properties.

Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

Representations have been received concerning loss of rural views and overlooking.
[Officer note: English law does not protect private views.]

The Council's Environmental Health Officer has been consulted and has no objections subject to conditions requiring a Construction Environmental Management Plan (CEMP) and external lighting scheme to control impact on the neighbouring residential amenity.

The nearest residential properties to the site include Bushgarth and Home Dene on the south side of Forest Mill Lane; Rosaria, Banklands, Camellias and Hamstones on the west side of Pound Road; and Neroche on the north side of Broadway Hill.

The following dwellings are separated by a road from the site: Fairfield Farm and Barn and Gingerbread Cottage on the south side of Broadway Hill; and Lympool, Kingsbury Cottage and Kimberley on the north side of Forest Mill Lane. Given that the separation gaps between the existing and proposed new dwellings would be min. 20m, and the intervening features include the highway and two rows of mature hedging, no harm to the residential amenity of these dwellings would be considered

to result.

In terms of the access off Pound Road, the amended scheme proposes this serve a single new residential unit at Plot 9 and be bounded by new hedging adjacent Camellias and Hamstone. As such, this would not be considered to over intensify the use as compared with the residential use of the neighbouring dwellings and would be considered acceptable.

In terms of the new access proposed off Broadway Hill, this would serve the remainder of the proposed dwellings, that is to say, 48no. The highways impact is discussed later in this report. However, it is not considered this would result in harm to any neighbouring amenity by reason that it would be sited opposite an area classified in agricultural use and would be separated from Neroche, the nearest dwelling, by approx. 41.5m, with intervening residential units proposed.

By reason of the separation distances involved and respective layout, no overshadowing or overbearing impact would be considered to ensue regarding the residential properties abutting the application site.

Outlook/privacy: Camellias and Hamstones

With regard to loss of privacy, the front elevation of Plot 9 would be sited approx. 15m from the rear elevation of Camellias. The proposed dwelling, type B4, would be a bungalow with windows in the front (north-east) elevation at ground floor level only and its boundaries would be aligned with a proposed new hedge in front of the existing 1.8m high fence at Camellias. It would have small windows at first floor level in the side elevations serving a landing and ensuite. As such, no overlooking of Camellias would result.

Hamstones has a very small setback from its side (north-west) boundary, which is aligned with an open mesh fence from the side elevation up to Pound Road, and a close-boarded fence from the rear of the dwelling to the rear (south-east) boundary. The bungalow has 2no. small windows and 1no. full height window in its side (north-west) elevation.

The proposed side (south-east) elevation of Plot 9 would face towards the back of the rear garden of Hamstones and not towards the dwelling itself by reason of the respective orientations.

As shown in the submitted Planting Plan Sheet 3 Rev. H, a new hedge is proposed for the boundary of Plot 9 with Camellias and Hamstones and reinforcement of the

existing hedge to the rear/side of Hamstones is also proposed. As confirmed by email, dated 01/11/2022, the new hedge when first planted would have a height of 0.6-0.9m and would be of a fast growing native species mix. The hedge would then be maintained by the future occupiers.

For the above reasons, and given the respective orientations of Hamstones and the proposed dwelling at Plot 9 which would avoid direct intervisibility between windows, no unacceptable loss of privacy for the occupiers of Hamstones would be considered to arise.

As noted above, Camellias and Hamstones are modest single storey dwellings with boundaries abutting Plot 9 as proposed. The existing outlook from the rear of Hamstones faces towards existing properties to the south, namely Neroche and Avon House. As such, no harm is considered to result from the proposed development with regard to loss of outlook for the occupants of Hamstones.

Camellias has a relatively short rear garden (3.5m at the shortest), which faces towards the proposed new dwelling in Plot 9. The new dwelling would be relatively well set back (south-westwards) within its plot, with a 9m setback to the rear elevation of Camellias, and would be orientated with a north-east facing front elevation and south-west facing rear elevation.

It is acknowledged that there would be a change in the rear outlook from Camellias. However, it is also recognised that the two-storey dwelling of Neroche is visible from Camellias and that the proposed new dwelling would infill the gap between Camellias and Neroche.

While the rear outlook from Camellias would involve built form at a closer proximity than existing, it is the Officer's view that this would not amount to harm for the following reasons: the proposed separation gap; the existing approx. 1.8m high closeboarded fencing along the boundary, which is proposed to be aligned with a new hedge; and the relatively low roof height (one and a half storey) of the proposed new dwelling.

Outlook/privacy: Bushgarth and Homedene

Plot 17 would be adjacent to the rear boundary of Bushgarth and a parking area would be adjacent to the rear boundary of Homedene. Plots 14-17 would comprise two-storey building type A3, of which the side (north) elevation, facing the neighbouring dwellings, would not contain any windows. As such, no overlooking would arise.

It is acknowledged that the proposal would involve the introduction of new built form to the rear of Bushgarth and Homedene and that this would alter the outlook from the rear of those dwellings. The gable end of the two storey A3 building type would be visible above the existing mature hedge aligning the rear boundary of the neighbouring dwellings, with the gable end of the two-storey A2 building type visible in the distance further south.

While this would change the existing rear outlook, it is not considered that this would amount to harm by reason of the separation gap retained, of approx. 25m to the side (north) elevation in Plot 17, and the perpendicular orientation of the proposed new dwellings that would substantially reduce the visual impact of mass and bulk. As such, no overbearing impact would ensue in this regard.

Plots 19 and 20 would back on to the side (west) boundary of Bushgarth. This boundary is aligned with a 1.8m high beech hedge within the curtilage of Bushgarth. The proposed dwelling at plot 19 would back onto the rear (south) of the back garden of Bushgarth while that at plot 20 would back onto a portion of the garden adjacent to the rear (south) elevation of Bushgarth.

The proposed dwellings would comprise chalet bungalows with dormer windows in the rear roof slope and 2no. roof lights in the case of plot 19, as well as a number of windows and French doors at ground floor. It is acknowledged that the side (east) elevation of Bushgarth contains 2no. windows at ground floor.

The proposed ground floor fenestration would not be considered to give rise to loss of privacy in respect of Bushgarth by reason of the ground floor nature, intervening 1.8m hedge and mature beech tree, together with an approx. 10.7m setback from the proposed rear (east) boundary.

The proposed roof lights and dormer windows would not be considered to result in unacceptable overlooking by reason of the respective layout of the dwellings, with those in plots 19 and 20 sited further south of Bushgarth, such that no upper floor windows would overlook the neighbouring dwelling.

Outlook/privacy: Rosaria and Banklands

The rear elevation, building type A0, of plots 12 and 13 would face towards Rosaria while that of plots 10 and 11, building type A5, would face towards the rear of Banklands. A0 would have two storeys and windows serving a bedroom and kitchen-diner in the rear (north) first-floor elevation. A5 would have two storeys and windows serving a bedroom in the rear (north) first-floor elevation.

The separation gap from the proposed new dwellings to the rear elevation of Rosaria would measure over 26m and over 21m to that of Banklands.

It is acknowledged that the future occupiers of the proposed new dwellings would have sight into the rear gardens and onto the rear elevations of Rosaria and Banklands, which would have an adverse impact. However, it is considered that this would not amount to unacceptable harm by reason of the location of these dwellings within a settlement, rather than isolated within open countryside; the separation gaps involved, which would mitigate the impact; and the respective orientations whereby the outlook from the proposed new dwellings would not be directly into the neighbouring dwellings, (the neighbouring dwellings having south-south-west-facing rear elevations and the proposed having north-north-west-facing rear elevations).

In terms of outlook, it is acknowledged that the proposed two-storey dwellings in plots 10-11 and 12-13 would be visible above the boundary hedge from the rear of Rosaria and Banklands. However, the new dwellings would be set back from the rear (north) boundary by over 7m and the neighbouring dwellings are set back from their rear (south) boundary by min. 13.8m. Both the separation gap and mature boundary hedge would mitigate the appearance of the new dwellings and this would be further reduced by the skewed angle of the respective buildings.

It is acknowledged that the outlook from Rosaria and Banklands would become less open as compared to the existing situation. However, the change is not considered to represent an overbearing impact for the above reasons and would not, therefore, amount to unacceptable harm to the neighbouring amenity.

Outlook/privacy: Neroche

Plot 9 would adjoin the rear boundary of Neroche but the rear-facing first floor window of that bungalow would be screened from the neighbouring dwelling by the gable-ended ground floor bay.

The rear garden of Plot 1 to the south and a parking area to the north would adjoin the side boundary of Neroche. Plots 1-3 would contain two-storey building type A1, which would have no windows in the side elevations and would not, therefore, allow overlooking.

Plots 7 and 8 would not abut Neroche but would face eastwards towards the side elevation of that property, which does contain windows at first floor, including 1no. serving the bathroom and 1no. serving a bedroom that has a primary window facing

southwards. Plots 7 and 9 would contain a two-storey building of type A2, which would have first floor windows in the front (east) elevation serving bedrooms.

Notwithstanding the direct overlooking potential between Plot 7 and the side elevation of Neroche, it is the Officer's view that no unacceptable loss of privacy would result by reason of the substantial separation gap of approx. 40m.

The dwelling at Neroche is sited in the rear half of the plot with a larger area to the front than the rear. As such, the outdoor amenity space with the greatest outlook would be considered that to the front (south) given the relatively small rear garden and high hedges along its boundaries as existing. The separation distance from the rear elevation of Neroche to the proposed new dwelling to the rear (north) would measure over 13m, while the new dwelling would be oriented at an almost 45 degree angle from Neroche, such that the outer corner (south) of the rear/side of the projecting bay would be closest to the neighbour. As such, this would reduce the mass and bulk in proximity to Neroche. This impact would be further reduced by the single storey nature of the projection closest to Neroche and the chalet bungalow building type proposed.

For these reasons, and given that the first floor bedroom window in the side elevation of Neroche is a secondary window, it is not considered that the proposed scheme would result in an unacceptable loss of outlook for the occupiers of the neighbouring dwelling.

No external lighting strategy has been submitted with this application. As such, it is considered reasonable to add a condition in this regard.

It is considered reasonable to impose conditions limiting the hours of construction in the interests of neighbouring amenity.

For these reasons, the proposal is considered capable of policy compliance with Local Plan policy EQ2 and the relevant policies of the NPPF in regard to neighbouring amenity.

Future Occupiers' Amenity:

Local Plan policy EQ2 states:

...new dwellings should provide acceptable residential amenity space...

Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

NPPF paragraph 130 f) states:

Planning .. decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for .. future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Noise

The site is not located within close proximity to major roads, therefore, traffic noise is not a concern in this case.

Representations have been received regarding proximity of some proposed dwellings to the village hall where loud events can take place at evenings and weekends.

Plots 39-45 would be sited closest to the village hall and would include 3no. market housing units and 4no. affordable units. The shortest separation gap would be over 40m.

The closest existing dwellings to the village hall lie approx. 37m to the south-east at Gingerbread Cottage and Whitegate Farm. As such, it is not considered that the proposed dwellings would be more susceptible to noise pollution from the village hall than the existing dwellings on the south side of Broadway Hill opposite the hall.

In addition, the proposed new dwellings would be built to min. building regulations standards and would incorporate double glazing, which is considered satisfactory in this case with regard to potential noise from the village hall and nearby highway.

For these reasons, it is not considered that noise impact on future occupiers would provide sufficient grounds for refusal in this case.

Internal space

In terms of the internal space proposed, this is set out in the submitted Plot Schedule, ref. HTN-WBR-ZZ-ZZ-RP-A_13601, dated 04/01/2023, the proposed dwellings and room sizes are considered acceptable.

External space

In terms of outdoor amenity space, each proposed dwelling would have its own garden, with the smallest measuring approx. 7m long by 6m wide. Given that the

Council does not have any minimum standards for outdoor amenity space and that each dwelling would have their own private outdoor garden, the proposed scheme is considered acceptable in this regard.

Interrelationships

In terms of residential amenity for future occupiers, the layout has been designed to avoid overlooking with the majority of the proposed dwellings orientated to be perpendicular or with a substantial separation gap of over 23m between those opposite each other. As such, the proposal would not be considered to result in overbearing impact, loss of privacy or light for future occupiers.

Designing out crime

The Crime Prevention Design Advisor has been consulted on this application and has raised concerns on the amended scheme regarding lack of 1.8m protective boundary fencing around plots and buffer zone, also how vehicular access to public open space would be prevented.

As confirmed by email from the agent dated 22/07/22, all plot boundaries would be protected by 1.8m high fences or walls; the protective fence aligning the site boundary hedges would be 1.5m high and the proposed and retained hedges would be maintained at min.1.8m height; two of the POSs would be bounded by bollards to prevent vehicular access while that in the north-west corner would be addressed via condition.

As noted above, the proposed boundary treatments would be addressed via condition. As such, this element is considered capable of compliance with NPPF paragraph 130 f).

Overall, the proposed scheme is considered capable of policy compliance regarding future occupiers' amenity.

Heritage Assets:

Local Plan policy EQ3 states:

All new development proposals relating to the historic environment will be expected to: ...Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets...

Paragraph 189 of the NPPF states:

Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

There are no listed buildings or conservation areas near to the site. However, it does lie in proximity to 2no. non-designated sites of archaeological significance, namely, Pottery site, Broadway Hill, Horton, that lies on the south side of Broadway Hill and the east side of Pottery Road, and Eighteenth-century Turnpike road, Petherton Bridge, Martock to Grange Farm, Combe St Nicholas, which borders the site on the southern boundary along Broadway Hill road.

The Council's Archaeology Consultant has been consulted on this application and notes that the site lies adjacent to an area known to be associated with the manufacture of Donyatt pottery and that there is consequently some potential for the presence of associated features and kilns. As such, a field evaluation (comprising a geophysical survey, and depending on the results a trial trench evaluation) are required to assess the impact on potential heritage assets.

Given that the application site has not been identified as having archaeological significance or potential itself, it is considered reasonable, in this case, to impose an appropriate condition in this regard.

As such, the scheme would be considered capable of compliance with policy EQ3 and paragraph 189 of the NPPF with regard to impact on heritage assets.

Highways, Parking, Waste:

NPPF paragraph 111 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local Plan policy TA1 requires all residential development to provide Low Carbon Travel measures subject to viability.

Local Plan policy TA4 requires a Travel Statement be provided for schemes of between 3--49no. new dwellings.

Local Plan policy TA5 requires all new development to maximise the potential for

sustainable transport.

Local Plan policy TA6 requires the Somerset County Council Parking Strategy standards be applied to all new development.

The Highway Authority has been consulted on this application and has no objections subject to conditions and legal agreement.

Somerset Waste Partnership has been consulted on this application and has no objections following the receipt of additional information.

The site lies within a rural settlement comprising limited local amenities. A bus stop lies within 200m of the site, served by the S1 route between Ashill and Ilminster with one service per day in each direction on weekdays only. This service would not be useful for school or office commuting due to the extremely limited timetable.

While there are two churches, a pub and a village hall within walking distance of the site, occupiers would be reliant on the private car to access day to day amenities such as schools, supermarkets and train stations.

As such, the site cannot be considered sustainable in transport terms. Notwithstanding this, the site is considered acceptable in principle for residential development, as detailed earlier in this report.

A Transport Statement (TS) dated 16/10/20 has been submitted in support of this application, which satisfies policy TA4.

An Interim Travel Plan, (TP), dated 09/09/20, has been submitted in support of this application, which notes car sharing, walking, cycling and use of public transport by future occupiers would be encouraged, and, also, that a Final Travel Plan and Travel Plan Coordinator would be provided as part of the scheme. This satisfies policy TA5.

With regard to the proposed access points for the site, following amendments, the existing access off Pound Road would serve only 1no. new dwelling. The main site access would comprise a new gap in the hedge on the southern boundary off Broadway Hill. Following the receipt of requested information detailing refuse vehicle swept path analysis, this arrangement is considered acceptable in terms of highways safety.

The Parish Council commissioned a speed survey which indicated that speeds close to the proposed site access were in excess of the speed limit. As such the Highways

Authority requested that visibility splays were increase. An updated plan was submitted and the suggested condition amended to secure this.

The Transport Statement notes the trip generation resulting from the previously proposed 50no. new dwellings (now amended to 49no.) would be 46no. two-way trips in peak hours daily. This has not been considered by Highways as leading to an unacceptable impact on highway safety, or severe residual cumulative impact on the road network.

As such, the scheme is considered acceptable with regard to highways safety and capable of compliance with paragraph 111 of the NPPF.

Coming to parking provision, the Parking Strategy notes that:

- 2no. car parking spaces are required per 1 bedroom dwelling;
- 2.5no. car parking spaces are required per 2 bedroom dwelling;
- 3no. car parking spaces are required per 3 bedroom dwelling;
- 3.5no. car parking spaces are required per 4+ bedroom dwelling;
- 2no. car parking spaces are required per 1 bedroom dwelling; and
- 0.2no. car parking spaces are required per total quantum of proposed dwellings.

As such, the proposal would require 156no. car parking spaces including garages and visitor spaces.

In addition, the scheme would require:

- 147no. secure cycle storage spaces;
- 49no. electric vehicle charging points; and
- 10no. motorcycle parking spaces.

Drawing ref. HTN-WBR-ZZ-ZZ-DR-A-14701, Rev.P03, Layout Parking strategy, and Parking Schedule, received 13/12/22, indicate 167no. parking spaces including the proposed garages. As such, the proposed parking provision is acceptable in regard to policy TA6, subject to an appropriate condition.

With regard to policy TA1, it is considered that the following criteria would be satisfied by the scheme, subject to conditions and s106 agreement:

- The submitted Interim Travel Plan notes that the scheme would include the provision of Travel Information Packs, a Green Travel Voucher for each occupier/employee, requisite cycle parking
- Proposed sustainable transport measures include Travel Plans, travel information packs, cycle parking and electric vehicle charging points
- Given the scale of the proposed scheme, that would not be considered to result in

a significant impact on the residual network, improved public transport connections would not be required in this case.

Moving to the TA1 expected provision of 1no. external charging point of at least 16 amps adjacent to each parking space and garage. This target would equate to 156no. However, the Somerset County Council Parking Strategy (to accord with policy TA6) requires 1no. per dwelling, which would total 49no.

The agent has confirmed by email dated 12/10/22, that 1no. active 16amp minimum EV charging point would be provided to each dwelling, totalling 49no. It is the Officer's view that the scheme would, therefore, be acceptable in this regard, subject to a condition securing implementation.

Moving to the TA1 expectation for all new residential dwellings to provide a designed in specific work area with broadband connections to allow working from home. As confirmed by email dated 20/09/22, the proposal would include residential FTTP (fibre to the premises) such that all dwellings would have broadband connections to allow working from home.

It is acknowledged that not all the proposed new dwellings would provide a dedicated work area. However, the policy wording does not constitute a requirement. As such, the scheme is considered acceptable in this regard, subject to a condition securing the implementation of the proposed broadband provision.

For the reasons above, the proposed development is considered, subject to conditions and a Section 106 agreement, capable of compliance with policies TA1, TA4, TA5 and TA6 of the Local Plan, the Somerset County Council Parking Strategy and NPPF paragraph 111.

Biodiversity:

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).

In May 2019 South Somerset District Council formally recognised a climate and ecological emergency.

Local Plan policy EQ4 requires proposals to:

- *Protect the biodiversity value of land and buildings and minimise fragmentation of habitats and promote coherent ecological networks;*
- *Maximise opportunities for restoration, enhancement and connection of natural habitats;*
- *Incorporate beneficial biodiversity conservation features where appropriate;*
- *Protect and assist recovery of identified priority species; and*
- *Ensure that Habitat Features, Priority Habitats and Geological Features that are used by bats and other wildlife are protected and that the design including proposals for lighting does not cause severance or is a barrier to movement.*

Local Plan policy EQ5 promotes the provision of Green Infrastructure throughout the district, based upon the enhancement of existing areas including public open space, accessible woodland, and river corridors, and by ensuring that development provides open spaces and green corridor links between new and existing green spaces.

Local Plan policy EQ6 resists the loss of ancient or veteran trees and seeks the enhancement and expansion of woodland.

NPPF paragraph 174 a) states planning decisions should protect and enhance sites of biodiversity value and 174 d) states decisions should provide net gains for biodiversity.

NPPF paragraph 180 d) states opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The County Ecologist has been consulted and has no objections regarding biodiversity subject to conditions. The Ecologist's original concerns have been overcome following the receipt of additional information and amended plans.

The site comprises a field of improved grassland surrounded by hedges. Drakes Meadows and Weir Local Wildlife Site lies approx. 32m to the north-west of the site.

The submitted Ecological Impact Assessment (EIA), dated January 2021, notes:

- *The proposed development will result in adverse impacts upon a number of ecological features ranging from International to Site importance.*
- *Avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced both within the Site and on adjacent ecological features.*

- *Measures to reduce the impact on local ecology include the retention and protection of the boundary habitats, as well as the enhancement of the hedgerows and retained grassland buffer.*
- *The retention of the hedgerows and the grassland buffer, creation of wildflower meadow and planting of trees in the POS will reduce the impact of the removal of the central improved grassland and short sections of hedgerow on the protected and notable species identified.*

The EIA also notes that measures would also be required to prevent air, water and litter pollution to the nearby LWS and recommends a Construction Environmental Management Plan (CEMP) (Biodiversity) to address this during the construction phase together with an information pack for each proposed dwelling to reduce recreational pressure on this LWS by providing viable alternative recreation spaces.

As noted above, the existing mature hedgerows along the site boundaries, with the exception of the new site access, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. The buffer would remain under the ownership of the management company and retained for biodiversity interest. This would be included in the s106 agreement.

The submitted DAS notes:

Biodiversity gain at a rate to be agreed will be provided either on the site or will be off set elsewhere.

However, the updated Biodiversity Net Gain (BNG) calculation submitted on 30/01/23 shows a habitat unit loss of 44% and a hedgerow unit gain of 12%. Overall, this would equate to a loss of 16% net loss.

Notwithstanding the above, it is the Officer's view after further consultation with Somerset Ecology that the scheme would be capable of achieving net gains in biodiversity through appropriate mitigation measures implemented either on site or off site. As such, a condition would be applied in this regard.

For the above reasons, the scheme is considered, subject to conditions and S106 agreement, capable of compliance with Local Plan policies EQ4, EQ5 and EQ6, and the NPPF.

Phosphates:

Local Plan policy EQ4 states:

Development will not be allowed to proceed unless it can be demonstrated that it will

not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site.

NPPF paragraph 185 states:

Planning .. decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The site is identified as being within the Somerset Levels and Moors Ramsar Site Parrett Catchment Area.

The form of development, providing new dwellings, is identified by the Natural England informative guidance as one that may require a Habitats Regulations Assessment (HRA).

The proposal involves the creation of 49no. new dwellings. As such, the development would result in an increase in user numbers and is considered to give rise to an increase in phosphates.

A Phosphate Mitigation Strategy, Rev.D, received 27/01/23, a revised Fallow Land Management Plan and revised Woodland Management Plan, both received 30/01/23, have been submitted in support of this application.

These documents were amended during the course of the application since the land originally proposed for the off-site phosphate mitigation was shown on some maps (although not others) as outside the requisite river catchment areas.

Subsequently, Somerset Ecology have confirmed by email dated 30/01/23 that the off-site mitigation land would be located within the Parrett River catchment area.

The Phosphate Mitigation Strategy notes that:

- The waste water treatment facility at Broadway is to be updated during the AMP7 Wessex Water upgrade programme and the delayed completion is now expected by December 2024;
- Once the upgrade has taken place, the phosphate mitigation required to offset the proposed development will be significantly reduced;
- As such, a temporary element to the mitigation is proposed that would cease on completion of the waste water treatment upgrade - this would comprise 52.213 ha

- of land currently in use for cereal farming to be fallowed;
- Following the upgrade, the fallowing would cease and a new 6.649 ha. woodland would be planted with support from FWAG SouthWest (Farming and Wildlife Advisory Group South West) and maintained as such thereafter;
 - The temporary fallowed area and permanent new woodland would be sited on land owned by Higher Hill Farm to the south of Manor Farm, West Lydford, Somerset TA11 7BT;
 - Both the applicant, Galion Ltd, and Higher Hill Farm are under the same ownership and located at the same address;
 - The implementation of the proposed phosphate mitigation would be secured by a Section 106 legal agreement.

As confirmed by email dated 18/02/22 from FWAG SouthWest, no fertilisers would be involved in the woodland planting during the planting or maintenance stages.

In addition to the above, a revised Shadow Habitats Regulations Assessment (SHRA), dated 12/12/22, has been submitted in support of this application.

Natural England has been consulted on this application and finds the proposal acceptable in terms of phosphate mitigation subject to conditions and S106 agreement.

The County Ecologist has been consulted on this application and finds the proposal acceptable in terms of phosphate mitigation subject to conditions and S106 agreement.

For these reasons, it is considered that the proposal would not be to the detriment of the Ramsar Site, subject to the S106 legal agreement ensuring the implementation and maintenance in perpetuity of the off-site woodland and implementation of the temporary fallowed land in accordance with the submitted documents.

As such, the proposal is considered capable of compliance with policy EQ4 and paragraph 184 of the NPPF in this regard.

Flood Risk, Drainage, Contamination:

Local Plan policy EQ1 directs development away from areas at risk of flooding and stipulates that development reduce and manage the impact of flood risk by incorporating Sustainable Drainage Systems, and through appropriate layout, design, and choice of materials.

Local Plan policy EQ7 seeks to limit water, land and air pollution and to avoid harm to amenity, health or safety.

NPPF paragraph 168 states:

Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.

Footnote 55 states:

A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

NPPF paragraph 183 states:

Planning .. decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The application site lies within Flood Zone 1 and falls beyond any land having critical drainage problems. The application site measures approx. 2.28 ha and the proposal and, accordingly, a Flood Risk Assessment and Drainage Strategy (FRA), dated 26/10/20, has been submitted in support of this application.

The FRA notes that:

- The existing septic tank serving the 5no. adjacent dwellings to the north-east would be removed and the dwellings would be connected to the proposed foul network of the development. Should the owners not consent then the septic tank would be relocated.
- Foul drainage would be via gravity to a pumping station in the east of the site, connecting into public sewers on Forest Mill Lane - Highways agreeable in

principle

- The site would increase non-permeable surface area and therefore increase surface water flood risk
- Surface water would discharge into nearby watercourse with attenuation tanks and oversized pipes to slow rate of discharge to that of greenfield run off
- Permeable paving is recommended
- Pollution protection prior to discharge of surface water run off from hard surfaces is recommended to be agreed with the Environment Agency
- Climate change has informed the calculations.

The Lead Local Flood Authority (LLFA) has been consulted on this application and has no objections subject to conditions.

Wessex Water has been consulted on this application and has no objections subject to conditions regarding the relocation and ongoing maintenance of the septic tank serving the 5no. existing dwellings adjacent to the site should the occupiers not consent to the proposed connection to the new network; and informatives regarding the proposed pumping station and prohibition of surface water to flow into foul network.

The proposed new foul drainage connection into the public sewers via the proposed pumping station and surface water drainage to the nearby watercourse via the attenuation tanks and flow control pipes are considered acceptable subject to conditions.

The site is not known to be contaminated. However, given that agricultural use has the potential to result in land contamination, it is considered reasonable to apply a condition in this regard.

For these reasons, the scheme is considered, subject to conditions, capable of compliance with Local Plan policy EQ1 and NPPF paragraphs 168 and 183 in this regard.

Sustainable Construction:

Local Plan policy EQ1 states, among other criteria:

- *New development will ensure that carbon dioxide emissions are minimised through energy efficiency measures, renewable and low carbon energy*
- *Climate change should be considered in the design of new development, incorporating measures such as solar orientation, maximising natural shade and cooling, water efficiency and flood resilience*

NPPF paragraph 154 b) states that new development should help to reduce greenhouse gas emissions, such as through its location, orientation and design.

NPPF paragraph 157 b) states that new development should be designed to minimise energy consumption.

The submitted Planning Statement, dated 3/11/20, notes that:

- *The development will be built to Future Homes standards and Galion and Wienerberger always use sustainable materials on the basis of Fabric First with the use of energy saving detailing, carbon neutral designs and achieving the A rated BRE specification on all their housing schemes.*
- *Electric charging points are fitted to all dwellings, smart metering is now compulsory.*
- *Water saving equipment, renewable energy sources and energy solutions all form part of the package of measures with solar heating roof tiles to an acceptable design.*

Confirmation has been received by email dated 12/10/22 that the originally proposed solar heating roof tiles have been removed from the scheme by reason of the following:

following the .. improvements in construction methods, solar heating is no longer a key element in sustainable construction. The dwellings will all be built through the fabric first approach which involves maximising performance of the components and materials that make up the fabric itself before considering the use of mechanical or electrical building services systems. This approach maximises the use of:

- a) High quality insulation
- b) Increased air tightness
- c) Avoidance of thermal bridging
- d) Maximising solar gain through location and orientation of windows, triple glazing
- e) Maximise natural ventilation.

By using this approach the need for solar heating is removed as heat loss is minimised and the need for internal heating is substantially reduced.

An Energy Statement dated October 2022 has been submitted, which notes that:

- The Future Homes standards 2025 would require an 80% reduction in carbon emissions from the 2013 baseline;
- However, the scheme would implement a strategy combining moderate improvements to fabric and the installation of renewable energy technology to achieve a 31% reduction;
- This would include air/ground source heat pumps but not solar panels.

Notwithstanding the confirmation in the submitted Planning Statement, it is clear from the Energy Statement that the scheme would not, in fact, achieve the Future Homes Standard and that the proposed scheme would meet but not exceed the current Building Regulations.

However, it is recognised that the current application was submitted prior to the latest updates, of June 2022, to Building Regulations Approved Document Part L, which requires a 31% carbon reduction. Given that full plans were deposited with the local authority before 15 June 2022, the latest amendments to the regulations need not apply in this case.

By reason that the scheme would deliver the energy efficiency and carbon reduction measures as required by the current Building Regulations Approved Document Part L, which are over and above those set out in the Local Plan, the scheme would be considered acceptable in this regard, subject to conditions.

For the above reasons, the proposal is considered capable of compliance with Local Plan policy EQ1 and the NPPF.

Economic Impact:

Local Plan policy SD1 seeks development that improves the economic conditions within the District.

NPPF paragraphs 8 a) and 38 support development that delivers economic benefits.

The proposed development would result in the creation of 49no. new dwellings within an existing rural settlement that contains some local amenities.

The future occupiers of the proposed residential development would be expected to make a relatively significant positive contribution to the local economy through additional spending on food, travel, cultural/leisure activities and shopping.

Developer contributions for education would be secured via S106 agreement.

Economic benefits would also ensue from the construction phase of the development in terms of job opportunities.

NPPF paragraph 174 states that decisions should:
should recognise the economic and other benefits of the best and most versatile

agricultural land...

The site lies with agricultural land classified as partially Grade 3 (Good to Moderate) and partially Grade 4 (Poor). The field is understood to be used for grazing and haylage.

Given the relatively modest size of the land parcel in question, together with its agricultural classification, the economic impact of the loss of this agricultural land is not considered to constitute unacceptable harm in this case.

For these reasons, it is considered that the proposal would result in benefits to the rural economy in the short and long term and would comply with Local Plan policy SD1 and NPPF paragraphs 8 a), 38 and 174 in this regard.

s106 Agreement/ Planning Obligations

The following contributions have been sought, which will be secured through a s106 agreement:

Affordable Housing:

Local Plan policy SS6 seeks the provision of on-site affordable housing as appropriate, to be secured through S106 legal agreements.

Local Plan policy HG3 requires 35% on-site affordable housing (AH) in schemes of 6no. new dwellings or more.

SSDC Policy HG3 First Homes Position Statement, (FHPS), states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

NPPF paragraph 64 supports the provision of affordable housing in residential major development.

NPPF paragraph 65 seeks at least 10% of the total number of homes to be available for affordable home ownership as part of the affordable housing provision.

The Council's Affordable Housing Officer has been consulted on this application and initially raised concerns regarding the failure to "pepperpot" the AH units across the site, the failure to ensure tenure blindness, and the tenure mix.

Following amendments received during the course of this application, the above concerns have now been overcome and the Affordable Housing Officer finds the scheme acceptable in this regard.

The proposal would provide 17 affordable housing units amounting to 35%, when rounded to the nearest whole number. As such, this is considered policy compliant as a percentage of the quantum of new dwellings proposed.

As noted in the Principle section above, the amended scheme would provide 5 First Homes, representing 29.4% of the proposed AH quantum, and 10.2% of the total quantum of dwellings proposed.

As such, this would accord with the SSDC Policy HG3 First Homes Position Statement and NPPF paragraph 65 and is, therefore, considered acceptable.

The amended scheme would provide the affordable housing mix shown below, which has been agreed in liaison with the Affordable Housing team.

- 3no. 2 bed First Homes;
- 2no. 3 bed First Homes;
- 2no. 1 bed Social Rent units;
- 4no. 2 bed Social Rent units;
- 5no. 3 bed Social Rent units;
- 1no. 4 bed Social Rent units;

The amended drawing Layout Tenure Plan Rev.P10, ref. HTN-WBR-ZZ-ZZ-DR-A-13303C, shows that the affordable housing units would be distributed in two approximate groups across the site with one cluster to the east and one to the south-west. This is considered satisfactory.

For the reasons above, the scheme is considered, subject to conditions and S106 agreement, capable of compliance with Local Plan policy HG3 and NPPF paragraphs 64 and 65.

Education

The Council's Education Team has advised that 50 dwellings in this location will generate the following number of children for each education setting:

- 5 early years pupils
- 16 pupils for Neroche primary
- 7 pupils for Holyrood Academy

The Holyrood secondary has reached capacity, therefore the education authority has commissioned a new extension to accommodate all the children from new developments in this area, including this development. As such the following contribution towards the cost of the extension is required, to ensure that there will be capacity for the children from this development. $7 \times £24,861.00 = £174,027.00$

Public Open Space

Local Plan policies SS6 and HW1 seek on-site provision and enhancement of public open space to be secured via Section 106 legal agreement.

The proposed scheme involves 3no. Public Open Spaces (POSs) totalling 1,349 sqm as detailed in the Visual Amenity section.

The SSDC Open Space Officer has been consulted on this application and has no objections subject to S106 agreement for public access to and ongoing maintenance of the proposed Public Open Space. Their previous concerns regarding insufficient open space and inadequate layout have been overcome by the amended plans and layout and reduction in quantum to 49no. new dwellings.

In addition contributions are sought towards the following:

- Off-site contribution towards enhancement of equipped play area within Horton Channells Lane and Child Play area at the Village Hall: £39,045, with £22,553 towards ongoing maintenance
- Off site contribution towards provision of piece of equipment in play area for older children: £7,667, with £2,834 towards maintenance
- Off-site contribution towards the play pitches at Channells Lane: £18,945, with £11,499 toward maintenance
- Total: £103,568 (£2,114 per dwelling)

This would be secured through a s106 agreement.

Travel Plan

Final Travel Plan to include

- Travel Information Packs
- Green Travel Voucher for each occupier/employee
- Travel Plan Coordinator

Phosphates Mitigation

Appropriate phosphates mitigation as set out within the sHRA (to include 52.51 ha of

phosphate mitigation habitat of fallow land, 6.65ha of native deciduous woodland, programme of implementation and land management plan.

Community Infrastructure Levy (CIL):

South Somerset approved a Community Infrastructure Levy Charging Schedule on 17 November 2016. At the same time as approving the Charging Schedule, it was agreed that the levy would be implemented from 3 April 2017 onwards.

Local Plan policy SS6 states:

A Community Infrastructure Levy will be charged throughout the District in accordance with the adopted Charging Schedule for the provision of infrastructure in the area.

In this case, the proposal would result in 49no. new (C3) dwellings. As such, the proposed development is CIL liable and, should the Council be minded to approve the application, the developer contribution would be secured via a S106 Agreement.

Planning Balance:

The proposed development would result in 49no. new dwellings on the edge of a rural settlement, of which 35% would be affordable, together with 1no. new vehicular access, associated hard and soft landscaping, parking, sustainable drainage and 3no. POSs.

It is acknowledged that more than 100no. letters of objection have been received including CPRE Somerset and Somerset Wildlife Trust and the Broadway Parish Council also objects. This lack of community support for the proposed development conflicts with one aspect of Local Plan policy SS2 however this part of Policy SS2 was dismissed as being a relevant factor by planning appeal decisions soon after adoption given that popularity is not of itself a material consideration.

Notwithstanding the above, the provision of 49no. new dwellings including 17no. affordable units would represent a positive contribution towards the current housing shortfall and is considered a substantial benefit.

The proposal would give rise to some economic benefits through increased footfall to local amenities such as shops and restaurants and employment opportunities during the construction phase.

Subject to conditions, the proposal is not considered to give rise to unacceptable

harm in relation to visual amenity, neighbouring amenity, heritage, archaeology, highways, flooding or drainage matters. The proposed future occupiers' amenity would be acceptable.

The majority of the mature hedges within the application site would be retained and protected. Subject to conditions and S106 agreement, it is considered that the scheme is capable of achieving acceptable mitigation for the loss of habitats and overall biodiversity net gains through the proposed new planting, bird and bee boxes, and the proposed off-site c.6 ha. woodland.

The development would also be considered acceptable in terms of phosphates. This would result from the replacement of the existing septic tank serving 5no. dwellings with a connection to the foul network that would be off-set by the mitigation strategy for the wider scheme.

The proposed sustainable drainage scheme and sustainable construction methods would also be considered acceptable.

Given that the Council cannot currently demonstrate a five-year housing land supply the tilted balance is engaged in this case.

Overall, the scheme is not considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and the NPPF when taken as a whole.

For the reasons above, the proposal is considered, on balance, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Local Plan policy SD1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and conditional approval is recommended in line with NPPF paragraph 11 d).

Recommendation

That the application be **approved** subject to:-

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

- i) Provision of affordable housing
- ii) Education contribution
- iii) Contribution towards the provision of play playing pitches
- iv) Management of public open spaces
- v) Phosphate mitigation strategy

B) and the following conditions:

01. The proposal, by reason of size, scale and materials, is acceptable with regard to the character of the site and its surroundings, and, subject to conditions and S106 agreement, would have no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies of the South Somerset Local Plan and the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

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

Site Location HTN-WBR-ZZ-ZZ-DR-A-11101 Rev.P02
 Topo Survey HTN-WBR-XX-ZZ-DR-A-11701 Rev.P01
 Site Sections HTN-WBR-XX-XX-DR-A-14301 Rev.P08
 Site Layout Plan HTN-WBR-XX-ZZ-DR-A-13302C Rev.P10
 Tenure Plan HTN-WBR-XX-ZZ-DR-A-13303C P12
 Boundary Condition Plan HTN-WBR-ZZ-ZZ-DR-A-13304C Rev.P07
 Plot Schedule HTN-WBR-ZZ-ZZ-RP-A-13601 Rev.P01
 Parking Strategy HTN-WBR-ZZ-ZZ-DR-A-14701 Rev.P03
 Parking Layout - Plot 9 Access Visibility Splay HTN-WBR-ZZ-ZZ-DR-A-14702 Rev.P01

Housetype A0 Plans HTN-WBR-A0-XX-DR-A-21102 Rev.P02
 HousetypeA1 Plans HTN-WBR-A1-XX-DR-A-21102 Rev.P03
 Housetype A2 Plans HTN-WBR-A2-XX-DR-A-21102 Rev.P02
 Housetype A3 Plans HTN-WBR-A3-XX-DR-A-21102 Rev.P03
 Housetype A4 Plans HTN-WBR-A4-XX-DR-A-21102 Rev.P03

Housetype A5 Plans HTN-WBR-A5-XX-DR-A-21102 Rev.P02
Housetype A6 Plans HTN-WBR-A6-XX-DR-A-21102 Rev.P02
Housetype B1 Plans HTN-WBR-B1-XX-DR-A-21102 Rev.P05
Housetype B2 Plans HTN-WBR-B2-XX-DR-A-21102 Rev.P02
Housetype B3 Plans HTN-WBR-B3-XX-DR-A-21102 Rev.P04
Housetype B4 Plans HTN-WBR-B4-XX-DR-A-21102 Rev.P01
Housetype GG Plans HTN-WBR-GG-XX-DR-A-21102 Rev.P02
Housetype H2 Plans HTN-WBR-H2-XX-DR-A-21102 Rev.P01
Housetype H3 Plans HTN-WBR-H3-XX-DR-A-21102 Rev.P02
Housetype HH Plans HTN-WBR-HH-XX-DR-A-21102 Rev.P02
Housetype II Plans HTN-WBR-II-XX-DR-A-21102 Rev.P05
Housetype JJ Plans HTN-WBR-JJ-XX-DR-A-21102 Rev.P02
Housetype J2 Plans HTN-WBR-J2-XX-DR-A-21102 Rev.P01
Housetype LL Plans HTN-WBR-LL-XX-DR-A-21102 Rev.P02
Housetype MM Plans HTN-WBR-MM-XX-DR-A-21102 Rev.P02
Housetype NN Plans HTN-WBR-NN-XX-DR-A-21102 Rev.P02
Housetype OO Plans HTN-WBR-OO-XX-DR-A-21102 Rev.P02

Housetype A0 Elevations HTN-WBR-A0-XX-DR-A-21111 Rev.P02
HousetypeA1 Elevations HTN-WBR-A1-XX-DR-A-21111 Rev.P03
Housetype A2 Elevations HTN-WBR-A2-XX-DR-A-21111 Rev.P02
Housetype A3 Elevations HTN-WBR-A3-XX-DR-A-21111 Rev.P03
Housetype A4 Elevations HTN-WBR-A4-XX-DR-A-21111 Rev.P04
Housetype A5 Elevations HTN-WBR-A5-XX-DR-A-21111 Rev.P04
Housetype A6 Elevations HTN-WBR-A6-XX-DR-A-21111 Rev.P02
Housetype B1 Elevations HTN-WBR-B1-XX-DR-A-21111 Rev.P05
Housetype B2 Elevations HTN-WBR-B2-XX-DR-A-21111 Rev.P02
Housetype B3 Elevations HTN-WBR-B3-XX-DR-A-21111 Rev.P04
Housetype B4 Elevations HTN-WBR-B4-XX-DR-A-21111 Rev.P01
Housetype GG Elevations HTN-WBR-GG-XX-DR-A-21111 Rev.P05
Housetype H2 Elevations HTN-WBR-H2-XX-DR-A-21111 Rev.P01
Housetype H3 Elevations HTN-WBR-H3-XX-DR-A-21111 Rev.P02
Housetype HH Elevations HTN-WBR-HH-XX-DR-A-21111 Rev.P03
Housetype II Elevations HTN-WBR-II-XX-DR-A-21111 Rev.P05
Housetype JJ Elevations HTN-WBR-JJ-XX-DR-A-21111 Rev.P03
Housetype J2 Elevations HTN-WBR-J2-XX-DR-A-21111 Rev.P01

Housetype A0 Sections HTN-WBR-A0-XX-DR-A-21121 Rev.P02
HousetypeA1 Sections HTN-WBR-A1-XX-DR-A-21121 Rev.P02
Housetype A2 Sections HTN-WBR-A2-XX-DR-A-21121 Rev.P01
Housetype A3 Sections HTN-WBR-A3-XX-DR-A-21121 Rev.P02

Housetype A4 Sections HTN-WBR-A4-XX-DR-A-21121 Rev.P02
 Housetype A5 Sections HTN-WBR-A5-XX-DR-A-21121 Rev.P02
 Housetype A6 Sections HTN-WBR-A6-XX-DR-A-21121 Rev.P02
 Housetype B1 Sections HTN-WBR-B1-XX-DR-A-21121 Rev.P04
 Housetype B2 Sections HTN-WBR-B2-XX-DR-A-21121 Rev.P01
 Housetype B3 Sections HTN-WBR-B3-XX-DR-A-21121 Rev.P04
 Housetype B4 Sections HTN-WBR-B4-XX-DR-A-21121 Rev.P01
 Housetype GG Sections HTN-WBR-GG-XX-DR-A-21121 Rev.P01
 Housetype H2 Sections HTN-WBR-H2-XX-DR-A-21121 Rev.P01
 Housetype H3 Sections HTN-WBR-H3-XX-DR-A-21121 Rev.P02
 Housetype HH Sections HTN-WBR-HH-XX-DR-A-21121 Rev.P01
 Housetype II Sections HTN-WBR-II-XX-DR-A-21121 Rev.P03
 Housetype JJ Sections HTN-WBR-JJ-XX-DR-A-21121 Rev.P01
 Housetype J2 Sections HTN-WBR-J2-XX-DR-A-21121 Rev.P01

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

03. Before any above ground works commence, details of the materials and finishes to be used in the construction of the external surfaces, windows and doors, together with all hardstanding including kerbs, edges, unit paving, steps and if applicable any synthetic surfaces, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity in accordance with Local Plan policies SS2 and EQ2, and the NPPF.

04. Prior to commencement of the development hereby permitted, details of the pumping station including the compound layout and boundary treatment, and dimensions, appearance and materials of the above ground infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The pumping station shall be implemented in accordance with the approved details and maintained thereafter.

REASON: In the interest of visual and residential amenity, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

05. Before any above ground works commence, details of the refuse and recycling storage facilities serving the dwellings hereby permitted shall be submitted to

and approved in writing by the Local Planning Authority. The refuse and recycling storage facilities shall be implemented in accordance with the approved details and maintained thereafter.

REASON: In the interest of visual amenity and waste reduction, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

06. Before any above ground works commence, details of any external heat pumps serving the dwellings hereby permitted, including position, appearance, noise and manufacturer's specification, shall be submitted to and approved in writing by the Local Planning Authority. The heat pumps shall be implemented in accordance with the approved details and maintained thereafter.

REASON: In the interest of visual and residential amenity and carbon reduction, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

07. Before any above ground works commence, details including design and materials of all boundary treatments within the application site, as set out in Layout Boundary Condition Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13304C, Rev.P07, shall be submitted to and approved in writing by the Local Planning Authority.

All boundary treatments adjoining neighbouring properties, Bushgarth, Home Dean, Rosaria, Banklands, Camellias, Hamstones and Neroche, shall have a min. height of 1.8m and shall comprise enhanced hedgerows or closeboarded fencing with hedgehog gaps.

A 1.2m gap shall be maintained between the existing hedges bounding the site periphery and the proposed protective mesh fencing.

The boundary treatments shall be implemented in accordance with the approved details prior to the first occupation of the development and permanently retained as such.

REASON: In the interest of visual amenity of the area and protect neighbouring residential amenities, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

08. All hedgerows and trees on site to be retained shall be maintained in accordance with Layout Boundary Condition Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13304C, Rev.P07, and shall not be cut down, uprooted, destroyed or damaged in

any manner at any time without the prior written approval of the local planning authority.

REASON: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-2028.

09. Prior to commencement of the development hereby permitted, including demolition of existing structures, groundworks, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures must be prepared and submitted to the Council for their approval in writing.

Upon receipt of the Council's approval in writing, the satisfactory installation of the approved protection scheme (in particular, any required fencing, signage and ground-protection installations), must be confirmed in writing by the Council, prior to development works taking place (Note: to comply with the terms of this condition, you will need to e-mail us at: planningsouth@somerset.gov.uk - quoting the relevant planning reference - making sure to provide supporting photographs clearly demonstrating compliance with the approved scheme).

Those approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the Council in writing.

REASON: In the interest of visual and natural amenity, in accordance with Policies EQ2, EQ4, EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-28 and the NPPF.

10. Prior to 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: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted, and the site covers a large surface area in which it is considered necessary to preserve as a record any archaeological information before it is destroyed by the development in accordance with Local Plan policy EQ3 and paragraph 189 of the NPPF.

11. No above ground works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping measures.
 - a) The submitted scheme shall clearly confirm the details, materials, levels and dimensions of any intended tree or shrub planting, tree pit design, earth-moulding, boundary treatments (for example, hedgerows, fences & walls), seeding, turfing and the installation of hard-surfaces, pathways, driveways and parking spaces.
 - b) The scheme shall also detail measures to deliver biodiversity net gains, such as bird or bat boxes and log piles, and incorporate the planting of native species of trees, shrubs, herbaceous plants and areas to be grassed, with a focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.
 - c) All planting stock must be specified as UK-Grown, and details must be provided in relating to the planting locations, planting matrixes, numbers of individual species, sizes, forms, root-types & root-volumes (for example, "Cell-Growns" for smaller sizes, larger sized "Container-Grown's" - ought to have their root volumes detailed in litres, e.g 45-65 litres for a '10-12' or a '12-14') and the intended timing of planting.
 - d) Installation details to ensure successful establishment, specifically relating to ground-preparation, the use of bio-degradable geo-textiles and other weed-suppression and ground stabilising measures, surface-mulching, strimmer-guarding, staking, supporting and tying must also be included within the submitted scheme.
 - e) The landscaping shall be implemented in accordance with the approved scheme and all planting shall be carried out within the dormant season (November to February inclusively) upon or prior to the first occupation of the development hereby approved.
 - f) If any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced within the next planting season with trees/shrubs of the same approved specification,

in the same location; unless the Local Planning Authority gives written consent to any variation.

REASON: In the interest of visual and neighbouring amenity, to provide screening of the development and mitigate its visual impact, and to ensure compliance with policies EQ2 and EQ5 of the Local Plan and the NPPF.

12. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- a) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - b) Arrangements for liaison with the Council's Environmental Protection Team;
 - c) No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - d) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
 - e) Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
 - f) Procedures for emergency deviation of the agreed working hours shall be in place;
 - g) South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment;
 - h) Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared;
 - i) Control measures shall be in place for dust and other air-borne pollutants;
 - j) Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.
 - k) Construction vehicular routes to and from site; expected number of construction vehicles per day; car parking for contractors; a scheme to encourage the use of Public Transport amongst contractors; and a scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network.

REASON: In the interests of the amenities of nearby occupiers and highways safety and in accordance with Local Plan policies EQ2 and TA5 the relevant policies of the NPPF and in accordance with the provisions of Circular 11/95 and the Environmental Code of Construction Practice.

13. No part of the development hereby permitted shall be occupied or brought into use until the proposed access has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 62 metres either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Note: The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

14. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained, and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.

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

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

15. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

16. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

17. The Development hereby permitted shall not be commenced until a detailed parking scheme, to include a minimum of 155 parking spaces including visitor spaces, and associated consolidated turning spaces (no loose stone or gravel) has been submitted to and agreed in writing by the Local Planning Authority. The dwellings hereby permitted shall not be occupied until the associated parking and turning areas have been constructed and made available for use in accordance with the agreed details. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA6 and the NPPF.

18. The car ports shown on the approved plans must be maintained and available for the purpose of parking a motor vehicle, shall have minimum internal dimensions of 5.5 metres long by 3.0 metres wide, and shall not be converted to use as a garage by the provision of external doors and walled enclosure.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA6 and the NPPF.

19. Before the development is occupied secure, covered cycle parking facilities to serve each plot (in compliance with the requirements of the SCC Parking Strategy 2013) shall be provided and available for use in accordance with details to be submitted to and agreed in writing by the Local planning Authority. Thereafter, the agreed cycle parking facilities must be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of sustainable transport and in accordance with Local Plan policy TA1 and the NPPF.

20. A Travel Plan broadly in line with the Interim Travel Plan dated 09/09/20 and incorporating details of an information pack to be provided to all initial residents regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs, shall be submitted for approval, and implemented upon first occupation. The applicant shall implement and monitor the approved Travel Plan in accordance with the Somerset Travel Plan guidance set out at www.somerset.gov.uk/waste-planning-and-land/travel-plans/ and for each subsequent occupation of the development thereafter

maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

REASON: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA4 of the Local Plan.

21. The development hereby approved shall not be occupied unless and until at least 1no. active fast charge socket is provided per dwelling (in compliance with SCC's Parking Strategy 2013 and SCC's EV Charging Strategy Oct 2020) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently maintained, kept free from obstruction and available for the purposes specified.

REASON: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA6 of the Local Plan.

22. The development hereby approved shall not be occupied unless and until each dwelling is supplied with an active broadband internet connection and the broadband internet provision shall thereafter be permanently retained as such.

REASON: To achieve the sustainability objectives of the NPPF and to enable home working in accordance with policy TA1 of the Local Plan.

23. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice, otters and other species that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
 - (c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by

light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

- (d) comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of the 'Favourable Conservation Status' of populations of European protected species and the residential amenity, in accordance with policies EQ2, EQ4 and EQ7 of the South Somerset District Council Local Plan and the NPPF.

- 24. The works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

REASON: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

- 25. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance

measures, badgers buffer zones, dormice precautionary working method statement, precautions for reptiles, etc.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
- j) Measures to protect the habitats in and around the site including the Drakes Meadow and Weir Local Wildlife Site from air, water and litter pollution, as detailed in the Ecological Impact Assessment (EIA) by Clarkson and Woods, dated January 2021.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policies EQ4, EQ5 and EQ6, Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

26. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan, have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the

CEMP and that Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

27. All habitat features to be lost (including trees and hedgerows) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. 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:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Management objectives specifically relating to the compensatory habitat for dormice (outlined in the BEMP)
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- 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) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan policies EQ4, EQ5 and EQ6, Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

28. Prior to commencement of the development hereby approved, a Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the BEMP shall include the following:
- A) Specific measures in place to ensure any lost habitat features important to dormice (including trees, shrubs, and hedgerows) are proportionately replaced in relation to what will be lost, at a minimum ratio of 2:1. Replacement habitat should comprise of species important for dormice, including (but not limited to) blackthorn, hawthorn, oak, hazel, honeysuckle, bramble, gorse, and holly.
 - B) A Habitat 001 bat box or similar will be built into the structure of 50% of the proposed dwellings, positioned at least four metres above ground level and away from windows of the west or south facing elevation
 - C) Schwegler 1SP Sparrow terraces or similar will be built into the structure of 30% of the proposed dwellings, at least one metre apart directly under the eaves and away from windows on the north elevations
 - D) A cluster of three Schwegler 1a swift bricks or similar will be built into the structure of 10% of the proposed dwellings, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation, ensuring unobstructed access for the birds to leave/enter the nests.
 - E) A bee brick built into the structure of all proposed dwellings, located 1 metre above ground level on the south or southeast elevation.
 - F) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
 - G) Area of rough grassland should be created and retained along the hedgerows (within the buffer zone) as an enhancement for reptiles, as well as a foraging habitat for other protected species
 - H) Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

REASON: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018 and Local Plan policy EQ4.

29. Prior to commencement of the development hereby permitted, a Foul Water Drainage Strategy must be submitted to and approved by the Local Planning Authority that shall include details of:
- a) the replacement of the existing septic tank serving Bushgarth, Home Dean, Rosaria, Banklands and Camellias with a connection to the proposed new network on site;
 - b) the proposed replacement and relocation of the septic tank serving Bushgarth, Home Dean, Rosaria, Banklands and Camellias in the case where consent for the proposed connection is not obtained from the owners/occupants of said properties;
 - c) the proposed pumping station that shall be constructed in accordance with the sewerage sector guidance in order to be adopted by Wessex Water and that shall provide the required 160 litres of storage per dwelling;
 - d) the connection to the public sewers on Forest Mill Lane;
 - e) the prevention of surface water drainage into the foul water network.

The drainage strategy shall be implemented in accordance with the approved documents prior to the first occupation of the development hereby permitted and maintained as such thereafter.

REASON: To ensure the development is properly drained in accordance with Local Plan policy EQ1 and the NPPF.

30. The development hereby permitted shall not commence until details of the design of a Surface Water Drainage Scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a discharge rate to be agreed with SCC as LLFA.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any

flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The drainage works shall be implemented in accordance with the approved details and maintained thereafter.

REASON: To reduce the risk from surface water flooding within and around the site and to manage climate change, in accordance with Local Plan policy EQ1 and the NPPF.

- 31. Prior to the first occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

REASON: To ensure the development is properly drained in accordance with Local Plan policy EQ1 and the NPPF.

- 32. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the proper investigation and, where necessary, remediation of the site in the interests of the amenity, health and safety of the locality and the future occupants of the site in accordance with Local Plan policy EQ7 and the NPPF.

33. Prior to the first occupation of the development hereby permitted, the carbon reduction and energy efficiency measures detailed in the approved document, Energy Statement, dated October 2022, ref. HTN-WBR-XX-XX-RP-F-23751, Rev.P01, shall be fully implemented in accordance with Building Regulations Approved Document Part L as amended in June 2022.

REASON: To optimise renewable energy and its conservation, in accordance with policy EQ1 of the Local Plan and the NPPF.

34. Prior to commencement of above ground works for the development hereby permitted, a phased scheme of implementation for the 3no. areas of public open space in accordance with the Site Layout Plan, HTN-WBR-XX-ZZ-DR-A-13302C, Rev.P09, shall be submitted to and approved by the Local Planning Authority. The public open spaces shall be implemented in accordance with the approved scheme and access to these areas shall be retained for open access public use in perpetuity.

REASON: To ensure the provision of community facilities and green infrastructure in new developments, in accordance with Local Plan policies SS6 and HW1, and the NPPF.

Informatives:

01. In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.
02. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the obligations this imposes, separate from the planning process, in respect of protecting wildlife.

03. The developer is advised to submit an application to <https://www.securedbydesign.com/guidance/design-guides> prior to commencement for the development to be assessed against Secured by Design Standards and to implement the measures advised to reduce fear of crime and protect the amenities of future occupants and existing occupants of neighbouring dwellings.
04. Should the development hereby permitted provide for the importing, exporting or use on site of any waste materials, then the development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010) from the Environment Agency, unless a waste exemption applies. The developer is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.
05. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway Authority to progress this agreement well in advance of commencement of development.
06. The application site is within 250 metres of a suspected landfill site. The developer's attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies.
07. Please be advised that approval of this application (or a subsequent reserved matters application) by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development.
- You are required to complete and return Form 2 - Assumption of Liability as soon as possible and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that liability and any exemptions are agreed before you commence the development and Form 6 - Commencement is submitted to us and acknowledged.

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

You are advised to visit our website for further details

<https://www.somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/>

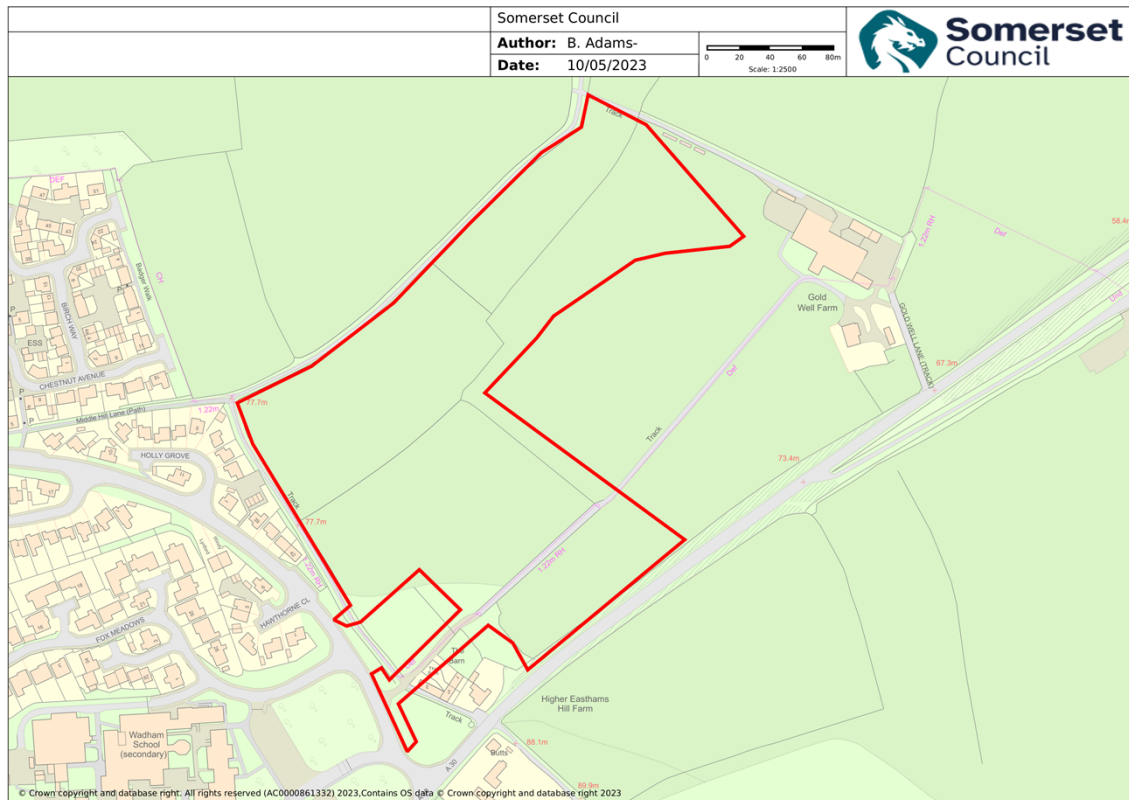
Officer Report On Planning Application: 20/03708/OUT

Proposal :	Outline application for the development of up to 67 dwellings with associated access and highway works, drainage and attenuation, open space, play area and landscaping (access to be determined, all other matters reserved).
Site Address:	Land At Gold Well Farm, Yeovil Road, Crewkerne, Somerset,
Parish:	Merriott
SOUTH PETHERTON AND ISLEMOOR Ward	Cllr Adam Dance Cllr Jo Roundell Greene
Recommending Case Officer:	Catherine Tyrer (Principal Specialist) Tel: 01935 462533 Email: catherine.tyrer@somerset.gov.uk
Target date :	12th May 2021
Applicant :	Gleeson Strategic Land
Agent: (no agent if blank)	Georgina Nelson, Origin3, 23 Westfield Park, Redland, Bristol BS6 6LT
Application Type :	Major DwlgS 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Planning Committee as there are objections from Merriott Parish Council and Crewkerne Town Council. As a major planning application, where the Officer's recommendation is not in agreement with the Parish or Town Council, under the Council's Scheme of Delegation, it is automatically referred to the Planning Committee for determination.

SITE DESCRIPTION AND PROPOSAL



Site Description

The application site comprises 5.20ha of what is currently agricultural land (the majority classified as being Grade 2) comprising five fields of arable and pasture land, which are predominantly enclosed by hedgerows and interspersed trees. The site is located on the North Eastern edge of Crewkerne, to the north of the A30/Yeovil Road, with existing dwellings on Ashlands Road to the west and existing buildings at Goldwell Farm to the east with agricultural land beyond and open fields to the north. The land slopes down eastwards towards the River Parrett valley.

The site is located just outside the defined development area of Crewkerne, the boundary of which runs along Ashlands Road to the west. On the opposite side of the A30 is the allocated housing site (ref: KS/CREW/1), known as the CLR site, which is being built out by Taylor Wimpey.

The site is not located within a conservation area. There is a Grade II listed WW2 Pillbox to the south of the site, but no other listed buildings within the site or close to the site. The site is not subject to any statutory or non-statutory wildlife designations. The site is located within the Somerset Levels and Moors Ramsar site and within a Mineral Safeguarding Area.

Public right of way (PROW CH 33/17) runs along the site's western boundary. There is also a footpath to the east of the site (CH 33/67).

Description of Proposed Development

The proposal as originally submitted, sought outline planning permission for residential development of up to 85 dwellings with associated access and highway works, drainage and attenuation, open space, play area and landscaping.

During the course of the application, it has been amended, reducing the number of dwellings proposed from "up to 85" to "up to 67" new dwellings, with housing development removed from fields on the eastern edge of the site (known as fields 4 and 5).

Details of a phosphates solution to achieve no increase in phosphates has also been provided as part of the amended submission. The phosphates solution proposes an on-site foul sewerage Package Treatment Plant (PTP) serving the proposed new dwellings. Existing septic tanks at Higher Easthams Hill Farm will also be connected to the on-site PTP.

All details in relation to appearance, landscaping, layout and scale are reserved for consideration at the detailed application (i.e. reserved matters) stage and are not to be considered as part of this outline planning application. However, a Parameter Plan is submitted, which establishes certain parameters of the proposed development including the following:

- Development area (including all Use Class C3 uses, and including roads and parking with buildings up to 2-storeys in height, with occasional 2.5-storey key buildings).
- Amenity public open space (including amenity managed public open space, children's play area, youth fitness area, landscape planting and footpaths)
- Natural landscape (new and existing hedgerows, landscape planting, sustainable urban drainage systems and footpaths).
- New or enhanced planted corridors (publicly inaccessible landscape areas)
- Swale corridor
- Proposed roads (where proposed)

Details are sought to be agreed for access to the public highway as part of this application, and this is proposed to be achieved by the retention and improvement of the existing vehicular access from Ashlands Road.

The proposed scheme seeks outline planning permission for up to 67 dwellings, 35% of which would be affordable housing. A revised concept masterplan was submitted, for illustrative purposes, showing how the site could be delivered to provide the number of new homes proposed and accommodate the quantum of development proposed. The illustrative masterplan shows a mix of 1, 2, 3 and 4-bed units, with an indicative mix as follows:

- 12 x 1-bed units
- 27 x 2-bed units
- 23 x 3-bed units
- 5 x 4-bed units.

The illustrative masterplan shows between 1 and 4 car parking spaces for each dwelling depending on its size.

The Parameter Plan shows a development area of 1.74ha and 2.35ha of green infrastructure (including 0.4ha of public open space, including a play area; 1.21ha of natural public open space; and 0.74ha of new/enhanced planted corridor). It includes new or enhanced planting corridors, the swale drainage corridor and identifies the location for sustainable drainage.

To meet the phosphates mitigation requires, the Package Treatment Plant and sustainable drainage basins occupy field 4, in the east of the site. Field 5, will remain as agricultural land and although it falls within the application site red line, no development is proposed within that area.

RELEVANT HISTORY AND BACKGROUND

Background

Outline planning permission has been granted for a residential development of 525 homes on the opposite side of the A30, which forms part of a wider site that includes a further 110 homes, Care home and employment land (which are allocated for development within the SSDC Local Plan), which is known as the CLR site.

A previous planning application on land which included the application site but covered a wider area and included land to the east, for up to 100 dwellings with access onto the A30, was submitted in 2013 (ref: 13/02941/OUT). That application was refused, and the subsequent appeal dismissed (this is discussed further below).

The site was considered within the 2018 Housing and Economic Land Availability Assessment (HELAA) Site W/CREW/0009 Land at Gold Well Farm. At the time, it was assessed as unsuitable for housing development due to the impact on the character of the approach to the town along the A30 and wider area, and poor accessibility. This site was not taken forward as an option through the Regulation 18 consultations on Local Plan Review (Issues & Options 2017 and Preferred Options 2019). [NB The Local Plan Review has been delayed indefinitely pending transition from District Council to Unitary Authority in April 2023]

As described in the appeal decision for the 2013 scheme, the application site formed part of a more extensive site known as Longstrings site, which was put forward alongside the CLR site to accommodate future growth in the deposit draft Local Plan (prior to adoption of the current Local Plan). It was subsequently considered that the town did not need two strategic sites and while the LPA proposed the deletion of the Longstrings site, the Local Plan Inspector in 2003 recommended that the CLR site should be deleted from the Plan and the Longstrings site reinstated mostly on environmental and landscape grounds, which the Inspector considered preferable as the site *"would not have an unacceptable damaging impact on the setting of the town, provided the higher most prominent parts of the area were kept free of development and the existing hedgerows, green lanes and field patterns were retained"*. The Council did not accept the Inspector's recommendation and the Longstrings allocation was not included in the adopted Local Plan. The Council considered the

benefits that would arise from the development of the CLR site, which included the link road, would give better access to employment areas and remove some through-traffic from the town centre, would be greater than those generated by the Longstrings site, and those benefits would outweigh any visual impact on the landscape. The Longstrings site was therefore not included, with the CLR site being allocated for housing development instead.

Relevant History

13/02941/OUT - application for residential development of up to 110 (which covered a wider site, and included land to the South West of the current site boundary). Appeal against non-determination. Appeal dismissed on grounds of (i) unacceptable impact on landscape character, (ii) the proposed access arrangements would create significant harm to the distinctive qualities of the A30 corridor and (iii) the failure to demonstrate that future occupants could have a choice of modes of travel.

13/01675/EIASS - EIA screening for development of up to 150 dwellings. Concluded that an EIA was not necessary to accompany the planning application

Also of relevance, is the following:

Land at Easthams Hill Farm:

12/02198/F - erection of 2 detached houses and 3 terraced cottages - permitted.

CLR site (relevant permissions:)

21/03005/S73 - S73 Application to vary conditions 01 (appearance, landscaping, layout and scale herein after called the 'reserved matters') of planning approval 19/03482/S73; (relating to 05/00661/OUT, Comprehensive mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements) Approved.

19/03483/S73 - Section 73 application to amend the approved plans condition (no. 26) of planning consent 14/02141/OUT to amend the highway plans and the provision of supplemental environmental statements to reflect such changes. Approved

19/03482/S73 - Section 73 application to amend Condition 3 (phasing) and 9 (highway plans) of planning approval 05/00661/OUT. Approved

14/02141/OUT - Outline development of up to 110 houses, 60 bed nursing home, up to 2 hectares of employment land, vehicular access from Station Road and Blacknell Lane. Approved

13/02201/REM - Reserved matters application for development comprising 203 dwellings the first section of the Crewkerne Link Road, drainage and service infrastructure, landscape and ecological mitigation measures (Phase 1 of

05/00661/OUT). Approved

05/00661/OUT - Outline planning permission granted for mixed use development for 525 dwellings, employment (B1, B2, B8), primary school, community facilities, playing fields, parkland, POS, structural landscaping and associated infrastructure including link road and highway improvements.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

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) and the Somerset Minerals Plan (February 2015).

South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

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

Somerset Minerals Plan (2015)
Policy SMP9 - Safeguarding

Material Considerations

National Planning Policy Framework - 2021
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 Practice Guidance

National Design Guide - September 2019

Somerset County Council Parking Strategy (SPS) (September 2013)
South Somerset Landscape Character Assessment

CONSULTATIONS

Responses have been summarised, but a full copy of all responses received is available on the Council's online Planning Register.

Highway Authority

Comments received 9 May 2023:

The HA identified a number of matters which needed to be addressed. Following receipt of swept paths, these are not considered to be acceptable. The applicant has set out reasons why the over-running should be accepted, but that is not considered to justify what is shown. The applicant has also argued that the matter can be left to the technical approach stage. While the Highways Authority does not consider it unreasonable to expect suitable swept paths at this stage, noting the redline there appears to be sufficient space to improve the radii of the access which should allow large refuse vehicles to enter and leave safely. As such, the Highways authority confirms this matter could be left to the technical approval stage. Further, it is

understood the largest refuse vehicle operated by Somerset Waste Partnership is 10.4m long (as opposed to 11.4m).

It is noted that the applicant has agreed to a mechanism, such as keep clear marking around the site access within Ashlands Road, to prevent vehicles turning into the site from being obstructed by queuing traffic. Again, given that access is a detailed matter, it would be usual to have detailed plans of the access including such details at this time and so it is disappointing that these have not been provided to date. However, should the LPA be minded to progress this application then this matter could be addressed by condition and later at technical approval stage.

The applicant has agreed to make a contribution towards securing the necessary TRO in relation to extending parking restrictions in the vicinity of the site access. They should be aware that they will be wholly responsible for the cost of the TRO application and for making such an application and that this requirement will need to be secured through a S106 agreement prior to the grant of planning permission.

The latest Travel Plan submission has now been found to be acceptable by our Travel Plan team and as part of any grant of planning permission will need to be secured through a S106 agreement. The applicant is reminded that the Travel Plan will need to be updated at reserved matters stage to include the provision and location of any proposed physical measures.

On the basis of the above comments, the Highway Authority does not object to this amended application subject to the following matters being secured by S106 agreement prior to the grant of planning permission:

- To secure a Traffic Regulation Order, prior to the development commencing, to secure extended parking restrictions along Ashlands Road (both sides) from the Yeovil Road junction to beyond Fox Meadows to the north; and
- To secure the Framework Travel Plan.

And conditions relating to visibility splays, access details, disposal of surface water, details of estate roads/footways, footpaths, tactile paving etc, construction of roads/footpaths/turning spaces, parking spaces, CEMP and a road condition survey.

Response to amended submission (which supersedes the original response):

- Development will not give rise to severe traffic impacts, so no objection on these grounds.
- Access junction is approx. 60m north of junction with A30, which is currently a priority T junction, but due to become a 4-way signalised junction as part of CLR development (which has now commenced).

- Clarified that proposed access for current development is to form priority T junction with visibility splays of 2.4m x 43m in either direction. Given 20mph speed limit, visibility splays considered to be achievable and appropriate.
- Access is directly opposite Wadham School, which can be congested at school drop off/pick up. It is important that vehicles wishing to turn right into the new development are not obstructed from doing so, as this could lead to traffic queuing back towards Yeovil Road junction and potentially impact on safe and efficient operation of that junction. The additional of a boxed junction would ensure this does not occur.
- At present there are no parking restrictions on the east side of Ashlands Road to either side of the proposed site access. Given the sensitivities of this location in relation to the school and to minimise the potential for increased conflict between vehicle and NMU movements, and to ensure visibility splays are not obstructed by parked vehicles, it would be appropriate for parking restrictions on both sides of Ashlands Road from the Yeovil Road junction to beyond Fox Meadows to be extended. This would require a Traffic Regulation Order (TRO), the outcome of which is not guaranteed, and as such would need to be secured prior to the development commencing. As TRO's are a legal matter that are separate to planning legislation they cannot be secured by condition, instead this requirement would need to be secured through a S106 agreement before the grant of any planning consent.
- Swept path drawings have been provided, but further information is required to show the largest refuse vehicle (11.4m long).
- Footways proposed on either side of the site access to connect in with the existing pedestrian infrastructure along Ashlands Road. Indicative plans show a single 3m footway along one side of the access road, but requirement for 2m wide footways on both sides of the estate road.

Non-motorised user provision: previous appeal for 110 dwellings dismissed, in part due to sustainability concerns relating to pedestrian and cycling connections from the site to the town centre, primary and middle schools. It is acknowledged that existing pedestrian infrastructure linking the site is generally substandard and dedicated cycling provision is negligible, largely attributed to topography and narrow, historic nature of existing road infrastructure which allows limited scope to provide betterment. While less than ideal, it does not in Highway Authority's opinion, mean that the site suffers from severance issues to local facilities.

Seven uncontrolled pedestrian facilities proposed in vicinity of development access, including crossings within the site and to north side of access over Ashlands Road. Expected that a similar crossing point should be provided over Ashlands Road to the south. Other minor off-site improvements are also proposed (i.e dropped kerbs/tactile

paving), which are welcomed.

Issue of sustainability is an overarching matter for LPA, however in terms of the accessibility of the site, when considered in isolation, the Highway Authority is of the opinion that the NMU links between the site and local services are not so poor as to represent a reason to object to this application.

Refuse collection: will need to be designed in accordance with latest guidance.

Drainage: no objection raised in principle, but certain matters will need to be taken into consideration at technical design stage.

Travel Plan: not acceptable in current form and further information required. An acceptable travel Plan would need to be secured through a s106 agreement prior to any planning permission being granted.

Conclusion: Highway Authority does not object, but there are a few matters that needs to be addressed.

Somerset Council Housing:

Response to amended submission:

35% housing which would be a split 75:25% social rent: first homes (equating to 23 units). 16 dwellings for social rent and 7 first homes (slightly higher number of intermediate as NPPF requires 10% of site to be provided for affordable home ownership).

Based on local housing needs assessment (LHNA) and taking into account the expressed demand on Homefinder Somerset for South Somerset and Crewkerne, the following mix is sought:

- 4 x 1 bedroom flat/house/bungalow (2 person)
- 9 x 2 bedroom house/bungalow (4 person)
- 7 x 3 bedroom house (6 person)
- 2 x 4 bedroom house (8 person) (to be provided for social rent)
- 1 x 5 bedroom house (10 person) (to be provided for social rent)

Minimum internal spaces should be adhered to for all affordable dwellings on site:

- 1 bed flat (2 person) = 47sq.m
- 2 bed flat (4 person) = 67sq.m
- 2 bed house (4 person) = 76sq.m (86sq.m if 3-storey)
- 3 bed house (6 person) = 86sq.m (94sq.m if 3-storey)

- 4 bed house (8 person) = 106sq.m (114sq.m if 3-storey)
- 4 bed house (8 person) = 126sq.m (134sq.m if 3-storey)

Affordable units should be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or, if flats, have the appearance of houses. It is recommended that the affordable units are in at least 3 clusters with social rented properties in each cluster. These affordable dwellings will form an integral and inclusive part of the layout.

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

The s106 should also include a schedule of approved housing association partners.

Somerset Council Education Authority

Response to amended submission:

A development of 67 dwellings will generate the following number of pupils for each education type:

- Early years = 7 pupils
- Primary = 22 pupils
- Secondary = 10 pupils

There is no requirement for SEN contributions for a development of this size. Latest data indicates that early years and primary school settings are expected to have sufficient capacity, but contributions required for the secondary school (Wadham School).

The approximate costs for additional pupil places will be:

10 x £32,094.40 = £320,944 for secondary - to be secured through a s106 agreement on bases of £4,790.21 per dwelling.

Response to original application submission: Requests financial contributions towards two or three tier school infrastructure.

Somerset Council Minerals and Waste Team

No comments received.

Lead Local Flood Authority

Response to further information submitted:

In summary, the LLFA requirements for an Outline Planning Application have been satisfied and point 5 of our previous response (dated 16/11/22) should be covered by a planning condition as mentioned.

Response to amended submission:

In summary, the LLFA requirements for an Outline Planning Application have not yet been satisfied and various matters need to be addressed/clarified before an appropriate planning condition can be set (some could be covered by a planning condition, but a number need to be addressed appropriately at the outline planning stage with full details as part of a planning condition.

Further information required; potential to incorporate further SUDS (raingardens, green roofs, rainwater harvesting) with appropriate justification if not provided; needs to demonstrate a viable connection into watercourse can be made; applicant should confirm whether the outfall will require land drainage consent and who with, and the principle of the connection confirmed; details of proposed strategy for managing exceedance events and overland flowpaths and maintenance strategy will need to be provided at RM stage.

Response to original application submission:

Applicant has not submitted sufficient evidence to determine whether safe access and egress is achievable over the whole lifetime of the development. All other matters concerning flood risk and drainage should be considered reserved.

Full details of the swale proposed should be provided as part of the application and the pluvial model submitted to the LLFA for review as part of the reserved matters application.

Alternative mapping is required illustrating change in water flood levels, including banding illustration negligible change.

Indicative drainage strategy provided. Matters concerning drainage of the access should be considered reserved until application regarding the whole site is considered.

Environment Agency:

Does not wish to offer any comments.

Wessex Water:

No objections

National Health Service

Response updated to reflect amended submission:

The application has been reviewed from a primary care perspective and the following comments are provided by the NHS Somerset Clinical Commissioning Group as their response to the application. In preparing this response, reference is made to Local Plan policy SS6.

The CCG's concern is that the combined surgeries of Crewkerne Health Centre and West One Surgery, a community facility, are already over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgeries already have 12,935 patients registered and this new development will increase the local population by a further 191 persons.

Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document which was agreed by NHS England, the following calculation has been made:

1. Residential development of 67 dwellings
2. This development is in the catchment of Crewkerne Health Centre and West One Surgery which has a total capacity for 12,286 patients.
3. The current patient list size is 12,935 which is already over capacity by 649 patients (at 105% of capacity).
4. The increased population from this development = 151 (No of dwellings x Av. occupancy rate = population increase)
5. The new GP List size will be 13,086 which is over capacity by 800 (Current GP patient list + Population increase = Expected patient list size). NB: If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6
6. Additional GP space required to support this development = 12.06m² (Population increase x space requirement per patient = total space (m²) required)

7. Total contribution required = £38,592 (£576 per dwelling).

Somerset Wildlife Trust

Objection. We have noted the above mentioned Planning Application as well as the supporting Environmental Impact Assessment provided by EAD Ecology. The proposed development area would seem to provide habitat for a variety of species of animals, reptiles, birds and plants, many of which are both characteristic of Somerset countryside and also very vulnerable. Although a range of measures are proposed for Mitigation and Enhancement, there will still be, in our opinion, a significant cumulative and negative impact on some species which cannot be mitigated. For example, the breaks in hedgerows and the increased predation of domestic cats will have an extremely detrimental impact on Dormice. We therefore object very strongly to this development.

Somerset Council Tree Officer

No comments received.

Somerset Council Strategy and Commissioning Team (outdoor playing space, sport and recreation)

Response updated to reflect amended scheme:

Total contribution of £201,695 (£3,010 per dwelling), which includes the cost of provision and also the ongoing maintenance towards:

- on site locally equipped play provision (LEP) - of at least 299sq.m with buffer
- off site youth facilities to address needs generated by the development in Crewkerne and Merriott
- off site playing pitches for enhancement of plating pitch facilities in Crewkerne and Merriott area
- off-site changing room - for enhancement of facilities in Crewkerne and Merriott area

Methodology outlined within comments.

Somerset Ecology Services:

Response to amended submission:

Somerset Levels and Moors Ramsar and Special Protection Area:

Calculated that the proposed development would give rise to a phosphate surplus of 3.31kg/year, so further phosphate mitigation is required in order to achieve nutrient neutrality.

EAD provide the following summary which comprises of the proposed mitigation strategy to achieve nutrient neutrality against a phosphorous budget of 3.31kg/year:

'It is proposed that the development will mitigate the phosphate surplus detailed above through disconnecting properties at Higher Easthams Hill Farm and Goldwell Farm from four existing septic tanks located within the site boundary and connecting them to the proposed on-site PTP. In accordance with Natural England's advice, the phosphate concentration discharging from a septic tank is to be taken as 11.6 mg/l, which would reduce to 0.3mg/l following treatment in the on-site PTP. Removing the septic tank connections would provide a phosphate benefit of 4.36kg/year, which would offset the phosphate budget of 3.31kg/year generated by the proposed 52 dwellings and 15 flats. The strategy would be implemented before first occupation of the proposed development.' (EAD Ecology, October 2022).

Natural England has provided confirmation that they consider that the proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation based on the Shadow Habitats Regulations Assessment. SES consider that the submitted information is satisfactory to achieve nutrient neutrality (confirmed by Somerset Ecology Services adoption letter as attached) subject to the requested s106 and conditions being secured.

Ecology:

No objection subject to various conditions requiring: Construction Environmental Management Plan (biodiversity), a Landscape and Ecological Management Plan, a Biodiversity Enhancement Management Plan, lighting design for bats, delivery of ecological mitigation measures, confirmation of badger and dormice licence or confirmation one is not required

Response to original application submission:

Comments provide a summary of the survey area and constraints, and note that constraints have been noted and are not considered to reduce the validity of the report. Confirms no further surveys required as a result of the constraints. Noted that Nutrient neutrality assessment and mitigation statement awaited. Agreed that post construction impacts on Bechstein bats in Bracket Copse SAC considered unlikely.

Noted that site clearance would result in loss of habitats, predominantly poor semi-

improved grassland but also amenity grassland, spoil and tall ruderal vegetation all of which of low ecological value. Approx. 90m of native hedgerow, which are Priority Habitat would be removed to create access [point. New habitats of higher ecological value would be created, including wildflower meadow, hedgerows, SUDS/swales, native trees and mixed native scrub. BNG undertaken which confirms development has potential to deliver "net gain" of more than 10%.

Construction could result in spread of Himalyan balsam. Site clearance would reduce available habitats on site for protected and notable species and there is a risk of direct impacts to amphibians, reptiles, badger, nesting birds, dormouse and hedgehog. Also potential disturbance of commuting and foraging bats from construction lighting. Loss/fragmentation of hedgerows would reduce value of the site for bats, dormice and nesting birds.

Post-construction habitats would be suitable for protected/notable species once established and should be managed in accordance with Landscape and Ecological Management Plan (LEMP). Predation by domestic cats of birds and mice could increase and garden fencing could prevent hedgehogs moving about the site. Lighting could result in disturbance to light-sensitive bats.

A number of conditions would be required sought.

Until the NNAMS and appropriate assessment has been undertaken, there is a holding objection on the application.

Natural England

Response to amended submission:

Nutrient Neutrality - Applicant has provided a shadow Appropriate Assessment, SSDC has not yet indicated that it is adopting that assessment. However, on the basis that the sHRA is adopted Natural England has no objection subject to the mitigation identified being secured. We support the calculations presented in the NNAMS document submitted which show that land use changes combined with the upgrade of a number of septic tanks or PTPs by connecting them to the new PTP that will serve the development and be run and managed by Albion Water, will deliver an overall phosphorus budget that is neutral.

Other matters - We have not reviewed potential impacts on protected species in depth but would refer you to Natural England's Standing Advice. We note that Annex II bat species are present and would expect to see key commuting features protected

and enhanced.

Response to original application submission:

The Somerset Levels & Moors Ramsar Site is in unfavourable condition due to excessive phosphate loading within its catchment. Natural England advises that this proposal has the potential to add to nutrient loads (phosphorous) within the catchment of the Somerset Levels and Moors Ramsar Site, and therefore it may require mitigation and be subject to a Habitats Regulations Assessment (HRA).

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues should this application progress.

South West Heritage Trust (Archaeology)

An archaeological survey was undertaken on this site that revealed archaeological remains of local significance. In order to ensure archaeological remains are recorded I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by condition.

Somerset Council Public Rights of Way Officer

There are PROWs recorded running through the site (CH33/17) and running adjacent to the site (public footpaths CH 19/3, CH 19/30, CH 33/16, CH 33/36 and CH 33/67). No objections subject to the following comments:

- applicant needs to demonstrate to us and highways that the crossing point of CH 33/17 over the proposed access road is safe and constructed appropriately. The connecting link may require consent of third parties. While the link is welcomed, another link would be beneficial at the western tip of the site to meet with Middle Hill Lane. A s106 agreement is likely to be required to secure these connections if estate roads form part of s38 adoption agreement.
- There are applications to modify the Definitive Map and Statement in vicinity of the site.
- Informative required to advise that proposed works must not encroach on width of PROW.

Somerset Council Planning Policy

Response to amended submission:

Housing figures updated with total completions exceeding the housing requirement by 261 (with 1222 completions and commitments between 2006 and 31/10/2022 (net) against a Local Plan requirement of 961.

Response to original application submission:

Crewkerne is identified as a Primary Market Town with a strong employment, retail and community role. There is an overall target of at least 961 dwellings at Crewkerne, current completions and commitments exceed the housing requirement by 170 dwellings. Site does not form part of any allocated site and lies outside development boundary and therefore does not confirm with LP policies.

Similarly, the 2008 Peripheral Landscape Study (PLS) for Crewkerne does not identify the site as potential development option - site falls within "moderate-low" capacity to accommodate development, but landscape sensitivity is identified as high in an area where the PLS cites the prominent hillsides and their hedgerows cover providing a buffering function, and their undeveloped profile countering the presence of the hilltop's urban form.

Site is part of HELAA Site W/CREW/0009 Land at Gold Well Farm. The 2018 HELAA report assessed this site as unsuitable for housing development due to the impact on the character of the approach to the town along the A30 and wider area, and poor accessibility. This site was not taken forward as an option through the Regulation 18 consultations on Local Plan Review (Issues & Options 2017 and Preferred Options 2019). Local Plan Review is still at an early stage in its preparation and objections have yet to be considered, it is judged that limited weight can be attached to it (paragraph 48 of the NPPF).

Planning Balance: SSDC published the Five-year Housing Land Supply 2020-2025 report in November 2020 and an addendum in January 2021 and is able to demonstrate a housing land supply in excess of six years, taking a cautious approach that considers the impact of the pandemic on delivery and the need to address nutrient neutrality within the Somerset Levels and Moors Ramsar Site catchment. The tilted balance towards the presumption in favour of sustainable development triggered by paragraph 11 of the NPPF is no longer considered to apply in the context of the five-year land supply. Whilst the adopted Local Plan is now more than five years old it is considered that the policies most important to decision-making with regard

to this proposal are consistent with the NPPF (2019) and can therefore be given significant weight.

The proposal does not appear to have addressed the matter relating to phosphates within the Somerset Levels and Moors catchment, that will require sufficient information to be submitted to enable an appropriate assessment to be undertaken - as required by S.77 of the Conservation of Habitats and Species Regulations 2017.

Somerset Council Landscape Consultant

Response to amended submission:

Original comments concluded that while the scheme had some development potential, the scheme would result in unacceptable degree of harm due to development in F4 and F5. Pleased that amended scheme has removed development from those fields.

Agrees with revised DWLC 'Updated Report on Landscape and Visual Matters' and concur that whilst the scheme will inevitably cause some harms to landscape character and harms to the visual amenity of those receptors who can see the site, with appropriate mitigation in this case, these can be brought to be within acceptable levels.

While content to change my overall conclusion, appropriate worded conditions required to ensure that at RM stage that certain information is submitted and a landscaping condition is required.

In conclusion, the exclusion of development in F4 and F5 is most welcomed, and I have no objections subject to the further detail to be submitted with any future Reserved Matters Application.

Response to original application submission:

Not acceptable in its current format.

Conclusion: Overall, I find the report is not clear and systematic in its structure and is therefore very difficult to follow. Nonetheless, the report itself concludes adverse effects in almost every category of term visual impact and impact on landscape character. Having said that, I maintain my view that it should be possible to have 'some' development on the less sensitive parts of the site where the balance of harms v benefits might be seen as acceptable. However, primarily due to the continued inclusion of development in F4 and F5, I conclude that the scheme is still

unacceptable in its current format.

Somerset Council Environmental Health

The proximity of the A30 requires that consideration of road noise should inform the detail of the development, including the layout and configuration of dwellings, to ensure the protection of its occupiers from that source.

The amenity of nearby residential property needs protection during the demolition and construction of the development.

Conditions recommended regarding an acoustic investigation and mitigation, and the requirement for a site specific Construction Environmental Management Plan.

Avon & Somerset Constabulary - Designing Out Crime Officer

Response to amended submission:

No objection subject to comments - thought should be given, at reserved matters stage, to robust side/rear boundary treatments at a suitable height and consider how access is restricted. Landscaping, pathway design and natural surveillance opportunities considered and how children's play and youth fitness has high levels of natural surveillance and avoids conflict with each other and nearby properties.

Response to original application submission:

At this stage where only outline planning is sought, it is difficult from a crime reduction/prevention point of view to give detailed comments as the areas to be addressed as detailed design would normally be decided upon at Reserved Matters stage and any layout plans submitted at this stage are only indicative.

Should this application gain approval, the design and layout of any future reserved matters submission should clearly incorporate measures to design out crime as outlined in the Design and Access Statement Part 2 (page 62) under the heading Community Safety and Security.

REPRESENTATIONS

Merriott Parish Council

Response to amended submission:

Initial comments reiterated. Further comment and concerns raised regarding approach to nutrient neutrality.

Response to original application submission:

Objection. Merriott Parish Council recognises that although the largest part of the proposed development is within Merriott parish, it is placed at the edge, and will have far greater impact to residents of Crewkerne than Merriott. Therefore anticipate that comments received from Crewkerne Town Council will properly reflect the impact of the development on the adjacent community and will be given due attention.

- 1) Site occupies a green open space, the loss of which we regret especially when there are other "brown field" sites currently undeveloped. With the recent confirmation that the local 5-year land supply obligation has been met with developments already identified by the planning process we would question the need for the development. [Officer comment: comments received before current 5YHLS, which stands at 3.7 years]
- 2) Concerned that this substantial development will place significant added pressure on traffic congestion in the town centre (already a significant concern).
- 3) Available medical services are recognised as barely adequate to serve the current area population and we would ask that specific consideration be given to the adverse effect of the added burden that the proposed development would place on these services.
- 4) In respect of items 2) and 3) it is vital that the impact of the proposed development at Goldwell Farm be considered alongside other major housing developments proposed or approved in the Crewkerne area. This application should not be viewed in isolation.
- 5) With regard to the proposed junction with Ashlands Road we would be concerned that this represents an accident risk, particularly at school opening and closing times, as well as a source of congestion given that the A30 is close by, and that no traffic control measures are proposed for this junction. If the development goes ahead, it is recommended that consideration be given to re-defining vehicular access to align with the proposed CLR/A30 junction, possibly with some appropriate form of traffic control.

Should consent for this development be granted, we presume that S106 funding will be made available for a fully equipped exercise and play area.

Merriott Parish Council notes that an area has been put aside for outdoor play and exercise, but that no equipment has been identified. Additionally, we have considerable experience of creating an open-air play space and the area specifically

set aside appears small given the size of the development. It is recommended that the proposed location and size of the outdoor play and exercise area be reviewed, possibly to link it to the adjacent area allocated as informal open space to the east of the site access road. We would work closely with the local residents in respect of the specification, selection, installation, and completion of an appropriate facility.

With regard to the documentation that supports the application it should be noted that the site plans identified in document CGE 16509, SGGIR, are inconsistent. It is assumed that said inconsistency is not material to the validity of the application, but we would ask that this be verified.

Crewkerne Town Council

Response to amended submission:

Previous comments remain valid. Multiple inconsistencies and errors in the documentation.

Junction opposite Wadham Secondary School is extremely dangerous - proposed junction is unsafe and inappropriate. Detrimental cumulative impact upon the town due to multiple large development sites underway, putting excessive pressure on town's infrastructure.

Response to original application submission:

The Town Council recommends refusal on the following grounds:

- Housing land supply: SSDC can demonstrate a 6 year land supply therefore there is no requirement for this additional housing. [Officer comment: comments received before current 5YHLS, which stands at 3.7 years]
- Impact on Crewkerne infrastructure: given that Kithill and CLR are going ahead, this development will add further strain on Crewkerne's infrastructure. To make things worse, the vast majority of CIL funding will be allocated to the parish of Merriott, even though that parish will not be impacted by the housing development.
- Access: even more dangerous than the previous proposal.
- Impact on landscape character: this was picked up in previous versions of this application, and nothing has changed.
- Issues raised at the appeal of the previous planning application have not been addressed.

Public consultation

The application was advertised by way of a site notice and a press notice. Neighbour notification letters were also issued. Following the receipt of amended plans, neighbours, including those who had made previous comments, were notified.

In total 109 comments have been received, 106 of which object to the proposals. No comments of support have been received.

A summary of the objections received to the amended plans are as follows (many of which reiterate comments made to the initial scheme and are not repeated):

- Development has reached saturation point
- Lack of facilities/services (i.e. dentist, doctors, schools etc) - already over loaded.
- Not enough employment for additional people.
- Lack of cycle paths and footpaths into town Centre. Pedestrian routes polluted, noisy and not lit.
- Hedgerows all important and should be retained. Mitigation planting will not compensate for the loss. Damage to habitats of protected species, such as dormice.
- Parking around the schools problematic - parents dropping children off ignore the restrictions. It is only a matter of time before there is an accident (one respondent advises that a child was hit recently). Current situation is a hazard to pupils.
- Traffic surveys were carried out in school holidays, so not reflective.
- Bus routes are laughable
- Information contained within Transport Assessment inaccurate and query whether a site visit was carried out.
- Conflicting access shown in appendix of Transport Assessment
- Vehicles do not obey existing speed limits - access is dangerous with high risk of accidents.
- Very busy junction, roads already heavily congested and development will worsen existing situation.
- Green spaces should be retained
- Not clear how PTP outfall will be handled. Existing ditch for surface water removal seems inappropriate for outflow for the PTP as it will often be dry. Not clear if phosphate load to River Parrett is likely.

A summary of the objections received to the original submission are as follows (which have been grouped into key issues):

Extent of Housing/Land Supply/policy

- Outside designated development area
- There are enough empty. Run down ex industrial buildings that should be converted before using green spaces.
- too much housing will have detrimental impact on already stretched infrastructure and services (health, dentists, education, transport, car parks, banks, amenities etc, which are already unable to cope). If not enough services/amenities, Crewkerne will become a "commuter town"
- Crewkerne already has a number of significant developments, including CLR and Kit Hill that are disproportionately altering the size and character of the town. 700+ houses already permitted. Need to consider cumulative effect of developments - together the developments will have a deleterious effect on the local highway network.
- Zebra crossing is not safe as some drivers exceed the 20mph speed limit
- SSDC has a 5YHLS (of 6 years) and an up-to-date Local Plan. [Officer Note: the current 5YHLS is 3.7 years]
- Proposals contrary to the NPPF as not a sustainable form of development and should be refused.
- Inspector addressed comparison to CLR site. No material change in site's ability to promote sustainable transport since appeal decision. With exception of Wadham Primary School, all local facilities/services more than 1km from centre of site.
- Any delays to CLR site not material consideration in determination of this application. SSDC has robust 5YHLS.
- Three Dragons Report "Accelerative Delivery of Housing in South Somerset" promote delivery of sites with extant planning permission and do not suggest unallocated land outside the Town's development area should be brought forward.
- Applicants suggest a 10% buffer should be applied to housing land supply, but this should only be 5%.
- An oversupply of housing is unlikely to meet objectives of self-containment without corresponding uplift in employment and service provision.

Highways Safety/Traffic

- increase traffic and exacerbate difficulties already experienced by residents and businesses. Already far too much traffic and congestion. Even more of a burden on East Street and North Street for example.
- Ashlands Roads are being used for heavy goods vehicles, when only B-Class roads and dangerous for school pupils.
- Ashland's becoming a rat run. It will become part of the bypass route when the CLR is completed; it was never built as a main road.
- Site entrance opposite Wadham School, so increase in traffic around site

entrance and close to major road junction. Another site entrance should be considered.

- walking routes too busy, steep and narrow, and alternative routes considerably longer which would discourage use.
- A3256 and A30 has narrow pavements and dangerous for cyclists or mobility scooters.
- Limited bus provision means public transport is not an alternative to the car. Public transport access is overstated within application. Buses can be standing room only at peak times. Only 2 x no. 9 buses daily that stop in the town with possibility of a return journey. The no. 96 does not serve the estate, except for the 96C which is early morning and evening for college students.
- Elderly, vulnerable people already rely on family, taxis or neighbours to access town's facilities as no regular bus service.
- Lack of coordination with other developments e.g. traffic through Misterton.
- Has impact of traffic on A356 been considered?
- Traffic survey conducted during Covid, so question how numbers represent a "normal" year or school traffic (between 2.30 and 3.30).
- Public right of way which leads to two play areas crosses the proposed access junction, will result in risk to children crossing it.
- School drop-off/pick up traffic is already an issue, and will reduce visibility for cars existing the development onto Ashlands Road.
- Crewkerne has no safe cycle paths/routes, cyclists have to take a change amongst traffic.
- Concern regarding location of tactile paving, on a blind bend.

Design/character/landscape

- Crewkerne's market town character will be lost.
- Previous appeal decision noted significant and adverse impact on character and quality of landscape, particularly from public vantage points and contrary to local plan.
- LVIA acknowledges major substantial adverse effect for users of public footpath even after 5-years post completion. Views of roof tops will remain from distance higher ground. Inspector was supportive of use of F4 as open parkland given its prominence in short and long range views, however this proposals introduces housing into this field, having further harmful effect on landscape character and appearance.
- Ashlands will change, as will be a major route with CLR site too.

Ecology/Environmental

- Pleased badger sett will be retained and protected, but concerned that sett 2 is not afforded the same protection. This sett complex is still active and important

for badgers. Badger movements between the setts will be impacted. If badgers forced to forage further afield to the South East they will be at risk from the main A30 road. A wildlife/badger corridor should be created and a badger underpass installed. Request a condition is attached.

- Loss of green land, animal habitats and impact on wildlife.
- Tawney Owls would become displaced
- Removal of trees and replacing with new will have dramatic reduction in CO2 absorption
- Significant wildlife on site which will be drastically affected.
- Phosphates plans state our septic tank will feed into mains drainage - this has not been discussed with us and we do not want to pay yearly fee for waste drainage.

Other

- Put Crewkerne before profit
- Just houses, no open space and play areas.
- Disruption/noise during construction
- Too much of detail is sketchy
- Will exacerbate risk of flooding
- Site might be archaeologically important
- Potential for contamination of private water supply
- Light pollution from development, loss of dark skies.
- Documentation refers to property being on mains drainage, but that is not the case (Septic tank)
- Inaccurate information and statements - if number of bedrooms not known, then analysis is incorrect.
- Impact on water supply (which comes from the spring known as "Gold Well" and serves 7 houses and a farm).
- Traffic congestion means residents would go to Yeovil, so no economic benefit to the town
- As information online, democratic right to review and comment on application removed.

CONSIDERATIONS

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The overall spatial strategy in relation to housing growth is contained within Local Plan Policy SS1, which highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy of settlements including the Strategically Significant Town (Yeovil), followed by Primary Market Towns, Local Market Towns and Rural Centres. In effect the policy places each settlement in a tier within the 'settlement hierarchy', based on their role and function within the district. The scale of development for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.

Crewkerne is identified as a Primary Market town, with a strong employment, retail and community role. Provision is made for housing (along with employment, shopping etc) that increases its self-containment and enhances the role of the town as a service centre.

Policy SS4 sets out the district-wide housing requirement of at least 15,950 dwellings over the plan period. Policy SS5 sets delivery targets for each of the 14 named settlements in the hierarchy. It sets out a housing requirement for Crewkerne over the Local Plan period of 961 (which as of 2012, the Local Plan notes that existing commitments stood at 916, with the additional provision required being 45). For rural settlements that number is 2,242, of which 1,331 was committed at the time of the Plan. Policy SS5 advises that a "permissive approach" will be taking when considering housing proposals in Yeovil and directions of growth at the Market Towns and states that the overall scale of growth (as set out within the policy) and the wider policy framework will be key considerations in taking this approach with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. It goes on to state that *the same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres*".

It is recognised that the Council cannot currently demonstrate a 5-year housing land supply (5YHLS), which currently, partly because of the issue relating to phosphates and the taking of a precautionary approach, stands at 3.7 years (Nov. 2022). As a result, paragraph 11(d)(ii) of the NPPF is engaged and the so called "tilted balance" applies. For decision making, this means that planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

However, the provisions of NPPF paragraph 11(d)(ii) do not preclude the emphasis within the NPPF to promote a plan-led approach. When decision taking, where the policies which are most important for determining the application are out-of-date

(this includes circumstances where there is no five-year supply of deliverable housing sites), the amount of weight to be attributed to relevant policies (i.e those that affect the supply of housing) should be assessed depending on their consistency with the framework. In this case the most relevant policies are considered to be policies SS1, SS4 and SS5. Policy SD1 echoes the advice contained within the NPPF, and advises that the Council will take a *proactive approach to reflect the presumption in favour of sustainable development*". The NPPF is clear that sustainable development has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways.

The site is located outside the defined Development Area of Crewkerne and in policy terms therefore is within an area of "open countryside" where there is a presumption against development. There is a conflict therefore with housing delivery policies SS1 and SS5.

However, Crewkerne is one of the District's Primary Market Town's and is a sustainable location with good access to employment, retail and community facilities. The policy (SS1) makes provision for housing (along with employment, shopping etc) in the Primary Market Towns that increases its self-containment and enhances the role of the town as a service centre. In this regard, the site is located immediately adjacent to the built-up area of Crewkerne and the town's defined Development Area and is therefore well related to the settlement. It is also relevant that the site is located opposite (but does not project as far east) as the allocated Crewkerne Keysite/CLR site, which has planning permission for more than 500 houses, and when complete will have the effect of extending the built-up area of Crewkerne.

Crewkerne's current completions and commitments currently stand at 1,222, which exceeds the housing requirement by 261. However, this needs to be balanced against Crewkerne's position in the settlement hierarchy and its role as one of the Primary Market Towns (and therefore a sustainable location for development), the fact that housing targets are not an upper limit, but a minimum delivery requirement, and the context of the Council not being able to demonstrate a five-year housing land supply.

Policy HG3 requires the provision of 35% affordable where it is viable to do so. The Strategic Housing Market Assessment (2016) indicates that there is currently a net annual requirement for 206 affordable dwellings. The NPPF also requires that at least 10% of new homes are available for affordable home ownership (First Homes). Local Plan policy HG5 requires that the housing mix should contribute to the provision of sustainable and balanced communities.

There has been a consistent under provision of affordable housing over the Plan

period, against the requirement, leading to a substantial shortfall in affordable housing provision. The Council's Annual Monitoring Review (2022), for example notes that in 2020/21 the total provision of 103 new affordable dwellings completed, equated to just 9% of all new dwellings across the former SSDC District.

In this regard, the application proposes 35% affordable housing (the equivalent of 23 units), a proportion of which would be First Homes. This will make a substantial contribution towards meeting affordable housing need across the District and would be secured through a s106 agreement. The indicative masterplan demonstrates that a range of market housing types will be provided, including 1, 2, 3 and 4-bed properties, and while the exact housing mix will be determined at the reserved matters stage, it has been demonstrated that the development is capable of according with policy HG5 and the creation of mixed/balance communities.

Given the Council's shortfall in housing land supply, the delivery of 67 market houses, of which 35% (a policy compliant level) would be affordable. The granting of planning permission would contribute positively to the Council's supply of market and affordable housing, and this is recognised as a substantial benefit which weighs in favour of the proposed development.

In terms of the principle of development, it is noted that the application site previously formed part of a larger application site, for 110 dwellings in 2013 (which included Gold Well Farm and land to the East/South East over a wider area) which was refused and subsequently dismissed at appeal. Although the application site is smaller and proposes considerably fewer dwellings, the previous is relevant as a material consideration. It was dismissed for three main reasons: (i) it would have an unacceptable impact on landscape character, (ii) the proposed access arrangements would create significant harm to the distinctive qualities of the A30 corridor and (iii) a failure to demonstrate that future occupants could have a choice of modes of travel. Points (i) and (ii) are addressed within the Design, Landscape and Visual Impact section below. Point (iii) forms part of the consideration of whether the site is in a sustainable location and this is addressed within the Access and Highways Safety section below.

In addition, it is recognised that there would be temporary economic benefits during the construction phase in that construction jobs would be generated together with associated expenditure in the local economy. Although these economic benefits that would arise during the construction period would be temporary, nevertheless it is considered that such material considerations should be given some (albeit limited) weight.

While there is some conflict with housing delivery policies contained within the Local Plan, as the tilted balance is engaged, in line with the NPPF, the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against policies contained within the NPPF taken as a whole. In this regard, the site is relatively unconstrained and with the consented CLR development opposite and the fact the proposal is adjacent to the built-up and defined development area of Crewkerne, it effectively constitutes an extension of the existing settlement boundary. Crewkerne is a Primary Market Town with access to various facilities and services, and the site's proximity to the centre means that the site is not considered to be in an unsustainable location (as discussed below).

SITE LAYOUT, DESIGN AND 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.

Policy EQ4 requires new development protects biodiversity, maximises opportunities for enhancement and incorporates beneficial biodiversity conservation features where appropriate. Policy EQ5 confirms that the Council will promote the provision of Green Infrastructure and requires that development proposals provide or maintain a network of connected and multifunctional open spaces that meet certain requirements relating to (in summary) habitat/wildlife, recreational opportunities, access to play/leisure opportunities, provide attractive walking/cycling routes, enhance/maintain character and local distinctiveness of the landscape and contribute to local identity and sense of place, among others. Policy HW1 requires that where new housing development generates a need for additional open space, outdoor playing space, local and strategic sports, cultural and community facilities, provision/contributions will be made as appropriate.

Chapter 12 of the NPPF seeks to achieve well-designed and high-quality places and Chapter 8 seeks to promote health and safe communities, which includes the requirement for safe and accessible green infrastructure.

The application is in outline, with access the only matter not reserved for future consideration. The detailed layout, appearance, scale and landscaping is reserved for future consideration, and would be dealt with under a reserved matters application. However, Parameter Plans are submitted with the application that seek to "set" certain elements, including the extent of the development area, natural amenity

public open space, natural landscape, planting and swale corridors, proposed internal roads and agricultural land, and these would form the "approved plans" as part of any planning permission.

An indicative masterplan is submitted with the application to demonstrate how the site *could* be developed to provide 67 new dwellings. Through the application process, the application has been amended and the extent of development area has been reduced, removing development from the eastern part of the site, primarily in response to Landscape Impact concerns. The associated number of dwellings for which outline permission is sought has reduced from an upper limit of 85 to 67.

Based on the development area (of 1.74ha), which excludes areas of open space, the development proposes an average density of approximately 38dph. This is considered to make efficient use of land and achieve an acceptable layout, suited to this edge of settlement location.

Landscaping is reserved for future consideration, but an indicative Landscape Strategy has been submitted, which includes provision for public open space, a play area and general landscaping. The proposals include the provision of 2.35ha of green infrastructure on the site (with 0.40ha comprising amenity public open space and a play area, 1.21ha of natural landscape, as well as SuDS basins and swale corridor). In policy terms, the informal open space requirement is at least 0.396ha, with the development masterplan identifying significantly more than this, thus exceeding the minimum requirement. While the masterplan is illustrative, the central location of main area of public open space is welcomed (and is established through the Parameter Plan) and while divided by the road, each side provides an adequate amount of space. Green corridors would also provide further public open space and would help to break up the built form (NB: to be included within public open space calculations, they would need to be at least 7m wide in any future reserved matters application, as shown). It is also advised that the future reserved matters application would need to show how SuDS areas will be incorporated as useable features.

While there is a requirement for 0.17ha of formal sports pitches and changing space, which due to the constraints of the site cannot be provided on site, a contribution will be secured via a s106 agreement. A s106 agreement will secure the minimum on-site provision required, including locally equipped play area (LEP), and a financial contribution towards off-site youth facilities, playing pitches and changing rooms in Crewkerne/Merriott as well as a contribution towards ongoing management and maintenance of those facilities.

As outlined above, it is noted that the previous appeal was dismissed on matters

relating to landscape impact, so it is relevant to consider whether this application overcomes those previous concerns. Firstly, it is relevant that the application site boundary covers a much smaller area than the previous appeal site. Following the amendments submitted, the proposed developable area has been reduced and is now focussed on the north/western edge of the site, which are the lower lying areas. Unlike the previous appeal scheme, no development is proposed on higher ground in the eastern and south-eastern parts of the site, which are more sensitive to change and would be visible in view points.

Likewise, the site access is no longer proposed from the A30/Yeovil Road, but from Ashlands Road. This addresses the concerns the Inspector raised regarding the impact on the character and appearance of the A30 corridor and surrounding countryside, as no change is now proposed to that corridor as a result of this development.

The "Update Report on Landscape and Visual Matters" submitted with the application concludes that initially there would be some adverse landscape impacts as the proposed development would result in the loss of open sloping fields to accommodate the development. However, it states that that the layout and design (scale, height and massing) [which would be dealt with (and assessed) at the reserved matters stage] of the development would reflect and be in keeping with the pattern of housing development within the locality and that *"...the proposals includes mitigation of the adverse effects, some of which would enhance the character (and visual appearance) of the area as well as assimilating the development into the edge of Crewkerne. Enhancements include the introduction of new soft landscape features on the Site including a substantial area of open space occupying the central eastern and North Eastern parts of the Site, that would soften, screen and limit views towards the development as well as forming an appropriate landscape setting to the new dwellings.* The Report concludes that the proposed development:

"would not result in significant landscape or visual impacts or effects, apart from the initial effects during construction and on completion (Day 1) when looking towards the Site from Public Footpath No's.33/17, 33/14, 19/3 and a short section of Ashlands Road, close to the Site, but the proposed mitigation measures would significantly reduce the landscape and visual effects, in approximately 15 years' time, and therefore the impacts on views are temporary and are considered acceptable;

That the proposals would and significantly increase the tree cover / soft landscaping within the Site and in the locality including the landscape biodiversity and habitats on the Site, which would be beneficial to local wildlife. The proposals would also be in keeping with the 'scenic quality' and 'sense of place' of the local landscape within

which the Site is situated, whilst also mitigating against any landscape and visual impacts; and

Lastly, that the proposed development will have some temporary, local landscape and visual impacts / harm but the effects of the development on character and visual appearance of the wider countryside, including the River Parrett valley, will not be significant as the proposed development would not erode or harm the special qualities or key landscape characteristics of the area. The proposal is therefore considered acceptable in terms of its wider impact on the landscape.

The Council's Landscape Consultant has been consulted on the application. His initial view, based on the originally submitted plans was that while he considered the site had some development potential, the scheme as proposed would cause an unacceptable degree of harm, primarily because of the inclusion of built development on fields 4 and 5 which are the most visually sensitive areas of the site. He agrees that the site is not a "valued landscape" under NPPF paragraph 174(a), but it does have importance and value under paragraph 170(b) of the NPPF. It is also noted that the site forms part of the setting of Crewkerne when approach from the east/northeast and that matters of character and setting are important, irrespective of visibility.

Following the submission of amended plans, which removes development from those locations, the Council's Landscape Consultant in his further comments, which are summarised above, has confirmed that he agrees with the Landscape Report that *"...whilst the scheme will inevitably cause some harms to landscape character and harms to the visual amenity of those receptors who can see the site, with appropriate mitigation in this case, these can be brought to be within acceptable levels"*. A number of conditions are required to ensure that, at the reserved matters stage, a fully detailed landscape scheme and associated implementation timetable and fully details Landscape Ecology and Arboricultural Management Plan (LEAMP) are submitted. He notes that such a landscape scheme will be implemented within an approved timescale, to include phasing if required, which could allow perimeter planting to be implemented as far ahead of the building works as possible.

As such, it is not considered that a reason for refusal could be upheld on landscape or visual impact terms and it is not considered that there is a conflict with policies EQ2, EQ4 or EQ5 of the Local Plan or the advice contained within the NPPF.

RESIDENTIAL AMENITY

The closest properties are those located a Higher Easthams Farm, with the access

linking in with the existing access to road serving those properties and development to the north and east. The development will clearly result in increased usage of the access road, but it is considered that, subject to detailed design, it should be possible to achieve a sustainable layout that does not adversely impact on the amenity of neighbouring properties.

As the scheme is in outline at this stage, all detailed matters relating to scale, layout and appearance are reserved for later consideration. As such, the submitted layout plans are indicative only. However, it is demonstrated that the size of the site is adequate for a scheme for up to 67 dwellings and there is no reason why an appropriate scheme, which incorporates the required public open space, retention of existing landscape features and new green infrastructure and sustainable drainage etc could not be designed that would avoid any substantive harm to existing or future neighbour amenity. Likewise, it is considered that appropriate relationships between dwellings, access to adequately sized gardens and public open space can be achieved.

Conditions will be included which will require the submission and approval of Construction Environmental Management Plan, which will include details of days and timings of working on the site, as well as other measures, during the construction period.

For the reasons set out above, the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

ACCESS AND HIGHWAY SAFETY

Local Plan policy TA1 requires certain measures to encourage low carbon travel, such as electric vehicle charging points, travel Plans and associated measures etc. 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 the Council's Parking Strategy will be applied within the District.

In considering applications for development, NPPF Paragraph 110 requires that:

- a) *appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 provides that:

"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The applicant sets out within the accompanying Design & Access and Transport Statements that the application site is no further from such facilities and amenities than the allocated CLR site (on the opposite side of the A30, which is currently being built out), sites that were being promoted by the authority within the Local Plan Review (which is no longer being progressed), or the site at Kit Hill which was approved at appeal (LPA ref: 18/01737/OUT). The applicant also highlights that a new school is proposed as part of the CLR site and once built, the application site would be "walkable" to all the town's educational facilities.

Crewkerne itself is a sustainable settlement and well served with facilities to meet everyday needs, having schools (with Wadham School located opposite the proposed site access), shops, a post office, health centre, faith centres, pubs, restaurants and employment opportunities. It also has good access to public transport, including numerous bus services and a train station providing services to Exeter and London Waterloo.

Paragraph 4.4.1 of Manual for Streets (MfS) advises that up to 2,000m (or 2km) is a reasonable walking distance and offers the greatest potential to replace short car trips, stating as follows:

"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPG13 states that walking offers the greatest potential to replace short car trips, particularly those under 2km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents."

The Transport Assessment provides a breakdown of various local facilities and

services from the site, which notes that there are various facilities and services within 2,000m of the site (including Wadham School - 340m, Crewkerne Town Centre - 1,350m, Lidl - 1,450m, Waitrose - 1,550m, West One Surgery - 1,550m, Crewkerne Dental Centre - 1,050m), which the Case Officer has checked using Google maps "walking" distances. As such there are a number of "everyday" facilities within what is considered to be a reasonable walking distance of the site. It is also noted that the site is no further than other recently approved sites, included the CLR site opposite (which is allocated within the Local Plan).

The Highways Authority specifically addresses this issue in its response, acknowledging that existing pedestrian infrastructure linking the site to local amenities is generally substandard and that dedicated cycling provision is negligible within the town, but notes that while this is less than ideal, it does not, in the Highways Authority's opinion mean that the site suffers from severance issues to the local facilities. It notes that various improvements are proposed (including a 3m wide footway/cycle way to the south side of the access road extending into Ashlands Road, and several uncontrolled pedestrian facilities in the vicinity of the development), which are welcomed. The Highway Authority's view is that non-motorised provision is *"...not so poor as to represent a reason to object to this application"*.

For these reasons, including the view of the Highway Authority, it is not considered, on balance, that a refusal could be sustained on grounds of the site's location being unsustainable.

The Highways Authority has commented that based on the original scheme, for 85 dwellings, it was accepted that the development would not have a severe impact on the local highway network. As such, it has confirmed that the reduction to 67 units would also be acceptable. No objection is raised therefore on traffic impact related to the proposed development.

The illustrative masterplan does not currently show a 2m wide footpath on either side of the site access, which would be required, and this would need to be addressed at the reserved matters stage.

The Highways Authority notes the location of the access, directly opposite Wadham School and that this can become congested at drop off and pick up times, but considers that the addition of a boxed junction would ensure that vehicles wanting to turn right into the development would not be obstructed (which could lead to traffic queuing back to the Yeovil Road). As there are currently no parking restrictions on the eastern side of Ashlands Road on either side of the site access, in order to minimise the potential conflict between vehicles and pedestrians/cyclists and to ensure the

visibility splays are not obstructed, it would be appropriate for parking restrictions on both side of Ashlands Road from the Yeovil Road junction be extended. This would require a Traffic Regulation Order (TRO). The outcome of a TRO is not guaranteed and therefore this would need to be secured prior to the commencement of the development and it would need to be secured through a s106 agreement.

While the swept path analysis submitted is not accepted to demonstrate an 11.4 vehicle can safely enter and leave the site, it is noted that there appears to be sufficient space within the redline to improve the radii of the access and this matter could be left to technical approval stage. The Travel Plan is considered to be acceptable.

The Highways Authority has confirmed it raises no objection subject to the following matters being secured by S106 agreement prior to the grant of planning permission:

- To secure a Traffic Regulation Order, prior to the development commencing, to secure extended parking restrictions along Ashlands Road (both sides) from the Yeovil Road junction to beyond Fox Meadows to the north; and
- To secure the Framework Travel Plan.

and the imposition of various conditions.

As such, overall, the application is considered to be in a sustainable location. 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 and the proposed access is considered to be acceptable (with further detail to be dealt with through technical approval). The proposed development is therefore deemed to be acceptable in accordance with Local Plan Policies TA5 and TA6 and relevant guidance within the NPPF.

FLOODING AND DRAINAGE

The application site is at a low risk of flooding, located within Flood Zone 1. A flood risk and drainage strategy is submitted within the application, which proposes that surface water would be attenuated in two basins on the site's northern boundary. Flows from the basin would be restricted to greenfield run off rates before being discharged to the adjacent water course. There is a water flow route present on the site which poses a low to medium risk of flooding. The existing surface water overland flow route would be incorporated into the site layout at reserved matters stage, and would be routed across the site via an open swale.

The Lead Local Flood Authority (LLFA) initially raised a number of queries and

required the submission of additional information. In response to the amended plans and the subsequent submission of additional information submitted, the LLFA has confirmed they are satisfied with the information submitted and require a condition regarding maintenance details to be attached to any planning permission. The Environment Agency was consulted, but has not provided a comment.

Taking into account the above, it is considered that the application accords with the requirements of Local Plan Policy EQ1 and relevant guidance within the NPPF.

HERITAGE ASSETS

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

SSDC Local Plan policy EQ3 requires that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place.

Paragraph 194 of the NPPF advises that, where a site includes heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 205 requires developers to record and advance understanding of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

An Archaeology and Heritage Addendum has been submitted, which builds upon the Historic Environment Desk-Based Assessment and Archaeological Evaluation submitted within the 2013 scheme (which included the application site as part of the wider site proposals). It concludes that further investigations are required.

South West Heritage has confirmed that in order to ensure archaeological remains are recorded, a condition should be attached to any planning approval requiring the submission and approval of a written scheme of investigation.

There is a WW2 Pillbox, which is Grade II listed to the south of the site, but there is no inter-visibility between the application site and the listed structure due to existing built form, topography and vegetation.

As such, there will no adverse impact on heritage assets, and there is no conflict with policy EQ3 of the SSDC Local Plan or advice contained within the NPPF.

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

Somerset Ecology Services (SES) has had due regard to the submitted Ecological Impact Assessment submitted with the application. Based on this, it is understood as follows:

The site does not lie within or immediately adjacent to any statutory or non-statutory designated sites of nature conservation importance. The only European designated site within 10km of the site is Bracket's Coppice approx. 6.9km to the South East of the site. Two further statutory designated sites are present within 5km of the site. Bincombe Beeches Local Nature Reserve (LNR) lies approximately 500m south- west of the site and supports a range of flora, fauna and fungi including veteran beech trees and a variety of bird species. Millwater Site of Special Scientific Interest (SSSI) lies approximately 900m west of the site and is notified primarily for its invertebrate assemblage, but the site does not lie within a SSSI 'Impact Risk Zone' for residential development. Ten Local Wildlife Sites (LWS) occur within 2km of the site boundary; the closest of these is Bincombe Hill LWS, located approximately 420m west of the site.

A range of habitats were identified on, or adjacent to the site, with hedgerows forming the majority of field boundaries (with all assessed as "important"). There are no ancient or veteran trees identified within the site.

Within the study area, 11 protected/notable plant species recorded, along with common toad. There are no previous records of great crested newts within 2km of the site and considered unlikely that great crested newts would be present within the site. Slow worm and grass snake have been recorded from survey area. 27 protected/notable bird species recorded from the study area and during 2020 breeding bird survey 30 species were recorded, of which 21 were confirmed, probably

or possibly breeding within the survey area. One main badger sett present within survey area with signs of activity along with annex and subsidiary setts.

Various bats recorded with study area. Site survey revealed a number of trees having "moderate" bat roost potential, some of which would be affected by the proposed development and were subject to dusk emergence and dawn re-entry surveys, with no bats recorded from or re-entering between various survey periods and no roosts identified. At least eight bats identified during 2020 transect survey with Common Pipistrelle the more frequent, followed by serotine, soprano pipistrelle, unidentified Nyctalus/Eptesicus, Myotis, Plecotus and noctule species. Three lesser horseshoe bats registrations (0.8% of total) and one barbastelle registration (0.3%) were recorded.

Activity levels for Myotis bats, lesser horseshoe bat and barbastelle were all highest during September/October. Therefore, it is unlikely that the survey area comprises part of a core foraging area for a maternity roost for any of these species. The main maternity period for bats is considered to be May to August (Collins (ed.) 2016).

Hazel dormice have been previously recorded on site, and the presence was confirmed during 2020 nest tube survey. Dormice are assumed to be present in all hedgerows and dense scrub.

There are numerous records of otter and water vole from study area. Habitats within survey area were unsuitable for otter and water vole and no evidence identified. Presence of hedgehog is assumed, as habitats suitable were identified on site.

It is noted that a number of representations make reference to concerns regarding impact on biodiversity. Following the advice from SES, various conditions are proposed which require the submission of further information to ensure that ecological mitigation measures are delivered and that protected/priority species and their habitats are safeguarded. These are also added in the interests of ensuring that the favourable conservation status of populations of European and UK protected species, priority species and habitats are maintained, as well as the enhancement of biodiversity of the site.

The NPPF requires biodiversity improvement, but currently there is no policy requirement over and above the NPPF. However, it is noted that the proposal would result in an increase in hedgerow, and overall result in a 14.13% net gain, which weighs in favour of the proposed scheme.

Mindful of the above, in accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net

gain, SES recommends various conditions which are reflected in the formal officer recommendation. As such, the proposal is considered not to conflict with Local Plan Policy EQ4 or relevant guidance within the NPPF.

SOMERSET LEVELS AND MOORS RAMSAR

On 17 August 2020 Natural England (NE) advised that the Somerset Levels and Moors Ramsar protected site was in an unfavourable condition. This meant that there was a greater need for scrutiny of the effects of plans or project likely to, either directly or indirectly, increase nutrient loads to this site. Residential development, such as that proposed, is one of the development types that could give rise to such likely significant effects in terms of increased phosphate levels.

It has been calculated that the proposed development would give rise to a phosphate surplus of 3.31kg/year. Therefore, further phosphate mitigation is required in order to achieve nutrient neutrality. EAD provide the following summary which comprises of the proposed mitigation strategy to achieve nutrient neutrality against a phosphorous budget of 3.31kg/year:

"It is proposed that the development will mitigate the phosphate surplus detailed above through disconnecting properties at Higher Easthams Hill Farm and Goldwell Farm from four existing septic tanks located within the site boundary and connecting them to the proposed on-site PTP. In accordance with Natural England's advice, the phosphate concentration discharging from a septic tank is to be taken as 11.6 mg/l, which would reduce to 0.3mg/l following treatment in the onsite

PTP. Removing the septic tank connections would provide a phosphate benefit of 4.36kg/year, which would offset the phosphate budget of 3.31kg/year generated by the proposed 52 dwellings and 15 flats. The strategy would be implemented before first occupation of the proposed development."

Natural England was consulted on the application and confirmed it supported the calculations presented within the Nutrient Neutrality and Mitigation Strategy (NNMAS), which demonstrates it will deliver an overall phosphorus budget which is neutral. Natural England confirmed it considered the proposals will result in no likely significant effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation based on the Shadow Habitats Regulation Assessment. Somerset Ecology Services (SES) has reviewed the information and confirms that it considers the information is satisfactory to achieve nutrient neutrality, and the sHRA has been duly endorsed by SES, subject to a number of conditions and an appropriately worded s106 agreement to secure the nutrient neutrality strategy proposed.

Taking the above points together in conjunction with the completed s106 agreement

(to secure the measures outlined), it is concluded that the development would not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. The development would therefore comply with Policy EQ4 of the LP which seeks to protect biodiversity.

SECTION 106 CONTRIBUTIONS AND CIL

New development often creates a need for additional or improved infrastructure, or community services and facilities, without which there could be a detrimental effect on local amenity and/or the quality of the environment. Planning obligations are the mechanism by which measures are secured to enhance the quality of both the development and the wider environment, to help ensure that the development makes a positive contribution to sustainable development providing social, economic and environmental benefits to the community as a whole.

The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the 1991 Planning and Compensation Act. The NPPF reiterates the tests that are required to be met when planning obligations are sought, namely that they should be necessary to make the development acceptable in planning terms; directly related to the development and, fairly and reasonably related in scale and kind to the development.

Policy SS6 states that the Council will secure the provision of, or financial contributions towards, affordable housing, social, physical and environmental infrastructure and community benefits which are considered necessary to enable the development to proceed. The level of developer contribution will be proportionate to the nature, scale and viability of the project having regard to the scale and form of development; capacity of existing infrastructure; and potential impact of the development upon the surrounding area and its facilities. The figures outlined below are based on the proposed development of up to 67 dwellings.

It is noted that a number of objections raise concerns regarding existing infrastructure, such as doctors' surgeries and schools etc and the fact they are already oversubscribed.

The NHS was consulted and has advised that the local surgery is already oversubscribed, running at 105% of capacity. The NHS has identified that the additional GP space required to support this development is 12.06sq.m (0.08sq.m per patient) with an anticipated population increase of 151. The contribution sought is £576 per open-market dwelling, giving a total of £25,344. [NB affordable housing is not included within this calculation as it is assumed that affordable housing will be

occupied by existing residents within the vicinity, and already therefore using health services etc.]

The Council's Education Team was consulted on the application and has advised that the development would generate 7 early years pupils, 22 primary pupils and 10 secondary school pupils. The latest data indicates that early years and primary school settings are expected to have sufficient capacity to accommodate children from the development. However, a contribution for secondary school provision (Wadham School) would be required. The Education Team has advised that there is no requirement for SEN contributions for a development of the size proposed. The contribution required, based on 10 secondary school pupils is £4,790.21 per dwelling, giving a total of £320,944.

To ensure the development proceeds as phosphate neutral to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), the proposed nutrient neutrality strategy will be secured through the s106 agreement.

The development will also give rise to demand for formal play/youth and playing field provision. As such, based on the population generated from the proposed development, contributions towards the following are as follows:

- Equipped play space (on-site) - £56,870, with £32,849 toward future maintenance etc.
- Youth facilities (in Crewkerne/Merriott Area) - £11,167, with £4,128 toward future maintenance etc.
- Playing pitches (in Crewkerne/Merriott Area) - £26,433, with £16,045 toward future maintenance etc.
- Changing rooms (in Crewkerne/Merriott Area) - £48,319, with £3,887 toward future maintenance etc.
- Total: 201,695 (or £3,010 per dwelling)

In summary, the applicant has confirmed their agreement to following contributions to meet policy requirements and an identified deficiency /shortfall in provision and/or to meet increased capacity as a result of the development, which would be secured by way of a s106 agreement. This is based on the development as proposed, of up to 67 dwellings:

- Affordable housing provision, in line with the policy requirement of 35% (i.e. 23 units). The s106 would require minimum unit sizes and a split of 75% social rented and 25% First Homes (16 dwellings for social rent and 7 for First Homes).

- NHS contribution: £38,592 (£576 per dwelling)
- Play facilities (which includes provision and ongoing maintenance): £201,695 (£3,010 per dwelling)
- Education: £320,944 (£4,790.21 per dwelling)
- Nutrient Neutrality Strategy, including monitoring and maintenance etc.
- Traffic Regulation Order
- Travel plan
- Public Right of Way connections

The application is also liable to CIL.

OTHER MATTERS

Public Right of Way

There are public rights of way that run through the site (CH33/17) and adjacent to the site (CH19/3, 19/30, CH33/16 and CH 33/67). The applicant will need to demonstrate to the Public Rights of Way Team and the Highways Authority that the crossing point of CH33/17 over the access road is safe for the public to use and constructed appropriate through the technical approval process.

The connecting link proposed to path CH33/17 is welcomed and it may require the consent of third parties, and if so a s106 may be required to secure these connections.

It was noted that another link would be beneficial at the western tip of the site to meet with Middle Hill Lane. While the potential for this was explored with the applicant it was not considered feasible due to a number of factors including uncertainty regarding landownership (which would have meant reliance on third parties), it was not considered to provide the most direct route from the site into Crewkerne town Centre, and it would have required the removal of existing and proposed hedgerow/ vegetation.

While improved permeability with the surrounding area would be advantageous, it is considered that the proposed development incorporates sufficient links to existing footpaths.

Compliance with policy SMP9 of the Somerset Minerals Plan

Policy SMP9 of the Somerset Minerals Plan states that the District Council should consult the Mineral Planning Authority and planning permission should not be

granted for non-mineral development that would lead to the sterilisation of mineral resources within a safeguarded area or prejudice the use of safeguarded operational and/or permitted mineral sites (including quarries, mines, associated plant and infrastructure and facilities).

Parts of the site are covered by two different Mineral Safeguarding Areas; a section of the Southern part of the site area and within the Northeastern part of the site, both for the mineral Inferior Oolite.

SCC Minerals and Waste Team was consulted on the application, but no response was received. As no objection has been raised from the Minerals Team, it is assumed there is no conflict with policy SMP9 of the Somerset Minerals Plan.

Loss of Agricultural Land

An Agricultural Land Classification is a system used in England and Wales to grade the quality of land for agricultural use. Land in Grade 1, 2 and 3a comprises the "best and most versatile agricultural land".

The application site comprises agricultural land classified mainly as being Grade 2, with the remainder being urban. Therefore, a large part is of very good quality agricultural land.

Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other considerations, recognising the economic and other benefits of the best and most versatile agricultural land.

While the loss of this land, which as Grade 2 does comprise "*the best and most versatile agricultural land*", does weigh against the proposed development, it is noted that there is no relevant planning policy within the Local Plan specifically applicable to agricultural land protection and the NPPF requires consideration of other issues. In addition, the development areas are confined to the western parts of the site, with public open space and retained agricultural land across other parts of the site. As such, it is not considered that a reason for refusal could be justified on these grounds alone.

CONCLUSIONS AND THE PLANNING BALANCE

The Council accepts it does not have a five year supply of housing land, which currently stands at 3.7 years. Footnote 8 to paragraph 11(d)(ii) advises that for

applications involving the provision of housing, relevant policies are considered out-of-date where *"...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."* As such the so-called tilted balance is engaged which means that for decision-taking, where the policies which are most important for determining the application are out-of-date, planning permission should 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."*

While it is recognised that the proposals are contrary to Policies SS1 and SS5 of the South Somerset Local Plan, as highlighted above, this particular harm can only be afforded limited weight as these policies must be considered out of date in the absence of a five year supply of housing land. Nevertheless, the site is located outside, but immediately adjacent to the defined development area of Crewkerne which is identified as a Primary Market Town and a focus for growth. While it is noted that the previous appeal decision did include lack of access to non-motorised transport as a reason for dismissing the appeal, given the proximity of the site to the Town Centre and access to existing services and facilities, it is not considered that a reason for refusal could be substantiated on this basis, particularly given the enhancements proposed. As such, the site is considered to be in a sustainable location.

The development would provide 67 houses, 35% of which would be affordable which is policy compliant. Given the Council currently has a housing land supply of only 3.7 years, partly as a result of issues related to phosphates which is holding up the delivery of housing, and it is noted that this site has a phosphate solution, substantial weight is given to the delivery of market and affordable housing.

The scheme was amended during the course of the application resulting in a reduction in site area and maximum number of dwellings proposed, which has overcome the initial concerns raised regarding landscape. The proposals therefore are considered to be acceptable in terms of landscape and visual impact.

Likewise, there is not considered to be adverse impacts relating to the principle or arrangement of the proposed access, and no objection is raised by the Highways Authority in terms of traffic impact or highways safety, subject to appropriate conditions and/or planning obligations.

The proposed development would also provide economic benefits, through the

construction phase and in the longer term with resident's accessing and supporting local shops, services and facilities etc. Moderate weight is given to these benefits.

The benefits of the proposed development include the proposal bringing forward contributions towards education provision, NHS and play/youth and sports provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Much of the existing hedgerow will be retained along with an increase in hedgerow, and overall the development will result in a 14.13% biodiversity net gain, which weighs in favour of the proposed scheme.

The loss of best and most versatile Grade 2 agricultural land does weigh against the development, but only limited harm is attributed to this.

There inevitably may be some disruption to the amenity of local residents during the construction phase, but this will be managed through a CEMP (which is conditioned) and will be temporary, for a limited period of time.

Notwithstanding the relatively high level of local objections, no other areas of harm have been identified by statutory consultees. It is, as explained above, considered that matters relating to drainage, ecology, landscape and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions/obligations. Likewise, a phosphate mitigate strategy is proposed to ensure that the proposed development does not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site

Having due regard to the 'tilted balance', it is not considered that any adverse impacts would significantly and demonstrably outweigh the benefits of granting planning permission.

In conclusion, the application is recommended for approval subject to completion of a Section 106 Agreement and various planning conditions and informatives, which include those recommended by consultees.

RECOMMENDATION

Permission be granted subject to -

- A) The prior completion of a **Section 106 agreement** (in a form acceptable to the Council's solicitor(s)) before the decision notice granting outline planning permission is issued to secure the following:
- I. Affordable Housing Provision
 - II. Education Contribution
 - III. NHS Contribution
 - IV. Equipped Play Area and Youth Facilities Provision/Financial Contribution
 - V. Travel Plan
 - VI. Traffic Regulation Order
 - VII. Nutrient Neutrality Strategy
 - VIII. Public Right of Way connections (if agreement with third parties is required).
- B) the following **CONDITIONS**

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended)

02. An application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended)

03. The development hereby permitted shall take place not later than three years from the date of this permission or two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended)

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

- Site Location Plan (19-029-203-C)
- Parameter Plan (19-029-600-B)
- Proposed Easthams Farm Site Access (ITB7206-GA-017-D)

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

05. No more than 67 dwellings shall be constructed on the site.

Reason: to inform the scope of the permission

06. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include, but is not limited to, the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures; badgers buffer zones and safeguarding construction measures; precautionary safeguarding construction measures e.g. habitat clearance for amphibians and reptiles; a detailed reptile mitigation and if necessary translocation strategy; precautionary safeguarding construction measures for dormice; strategy outlining Root Protection Areas in accordance with BS 5837:2012; Pollution Prevention Reasonable Avoidance Measures implemented during construction concerning nearby or onsite ditches;; precautionary safeguarding construction measures for bats such as (but not limited to) updated tree inspections with confirmed

bat suitably moderate- high; precautionary measures for other highlighted species such as hedgehog; an invasive non- native species protocol Method Statement (MS) for Himalayan balsam detailing steps to remove it from site and/or prevent it from spreading further; etc.

- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy EQ4 Biodiversity

07. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP: Biodiversity have been completed to the Local Planning Authority's satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that Policy EQ4 Biodiversity

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, but is not limited to, the following:

- Construction vehicle movements
- Construction operation hours (including procedures for emergency deviation of the agreed working hours)
- Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route
- Construction delivery hours
- All construction deliveries being made off highway
- On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
- Expected number of construction vehicles per day
- All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice
- A scheme to encourage the use of Public Transport amongst contractors
- On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team
- Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- The Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
- Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared.
- Control measures shall be in place for control of dust and other air-borne pollutants.
- Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers, environmental health and highway safety

09. Prior to the commencement of any works on site, a Landscape, Ecology and Arboricultural Management Plan (LEAMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEAMP shall include the following:

- a. Description and evaluation of features to be managed, including retention of any species receptor sites and any new habitat created.
- 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, which expands on the proposed enhancements as outlined in EAD's report titled 'Ecological Impact Assessment Goldwell Farm, Crewkerne Gleeson Strategic Land October 2022' within Section '4 Avoidance, mitigation, compensation and enhancement' and 'Appendix 15: Biodiversity Net Gain Assessment'
- e. Prescriptions for management and compliance actions with (d) above.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

The LEAMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEAMP 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, with approved management and maintenance schemes adhered to at all times.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in the interests of landscape and visual amenity.

10. Prior to commencement of the development hereby permitted, including groundworks, heavy machinery entering site or the on-site storage of materials,

a scheme of tree and hedgerow protection measures must be prepared and submitted to the local planning authority (LPA) for their approval in writing. Upon receipt of the LPA's approval in writing, the satisfactory installation of the approved protection scheme (in particular, any required fencing, signage and ground-protection installations), must be confirmed in writing by the LPA, prior to development works taking place. Those approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the LPA in writing.

NOTE: to comply with the terms of this condition, you will need to e-mail Somerset Council at: planningsouth@somerset.gov.uk - quoting the planning reference - making sure to provide supporting photographs clearly demonstrating compliance with the approved scheme).

Reason: to ensure the protection of trees and hedgerows in the interests of visual amenity and biodiversity

11. Prior to the commencement of development, details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The scheme should identify maintenance tasks, responsibilities and frequencies for the entire drainage network, including private, adopted and SuDS drainage in accordance with the recommendations outlined in the CIRIA SuDS manual and include details of the parties responsible for maintenance. Such works shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring that the principles of sustainable drainage and the provision of a satisfactory means of surface water disposal is incorporated within the development and adequately maintained for its lifetime.

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

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

Reason: In the interests of highway safety

13. The details of the proposed access shall be agreed in writing with the local planning authority prior to commencement and constructed in accordance with details shown on the submitted plan, and shall be available for use prior to the development hereby permitted commencing. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety

14. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
 - A plan to a scale of 1:1000 showing the location of all defects identified;
 - A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

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

Reason: In the interests of highway safety

15. Plans and sections showing details of any proposed roads, footways, footpaths, tactile paving, cycleways, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be submitted to and approved in

writing by the Local Planning Authority and constructed and laid out in accordance with approved details prior to occupation of the development.

Reason: In the interests of highways safety

16. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

Reason: In the interests of highway safety

17. Prior to the commencement of development a Programme of Archaeological Work in accordance with a Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure that any archaeological remains are identified and adequately recorded.

18. The works to the habitat used by Hazel Dormouse shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
1. a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 2. a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with Policy EQ4 Biodiversity

19. Prior to the commencement of development, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy EQ4 Biodiversity

20. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
 - b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: A pre- commencement condition in the interests of a UK protected species and in accordance with Policy EQ4 Biodiversity

21. No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; an appropriately scaled planting plan to include the location, numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

The drawing(s) shall include or be accompanied by a detailed specification setting out an appropriate methodology for implementing the scheme in accordance with the relevant British Standards to include BS 8545:2015, BS 4428:1989 and BS 5837:2012.

22. No development shall commence until drainage plans for the disposal of foul water have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be first occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

Reason: To ensure there is adequate drainage for the disposal of foul water.

23. The Development hereby permitted shall not be occupied until parking spaces for the dwellings and properly consolidated and surfaced turning space for vehicles in accordance with current policy standards have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highways safety

24. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. 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 highways safety.

25. 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

26. No development shall commence until a suitably qualified acoustic consultant has identified what measures, if any, may be necessary to ensure that harm to amenity (including habitable rooms and gardens) is unlikely to result. A written report shall be submitted to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation of any part of the premises. All sound level measurements to be expressed as 'A' weighted "Fast" response levels unless otherwise stated. The rating level shall be assessed according to the approach given in British Standard BS4142:2014 (as amended) with the proviso that the background noise level shall be taken to be the background noise level (L90) prior to development in order to prevent the occurrence of creeping ambient noise

Reason: To protect the amenity of existing nearby residents and future occupants of the proposed development

Informatives:

01. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
02. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

NB: The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the

surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

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

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

If the work involved in carrying out this proposed development would:
make a PROW less convenient for continued public use; or
create a hazard to users of a PROW,
then a temporary closure order will be necessary and a suitable alternative route must be provided.

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

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

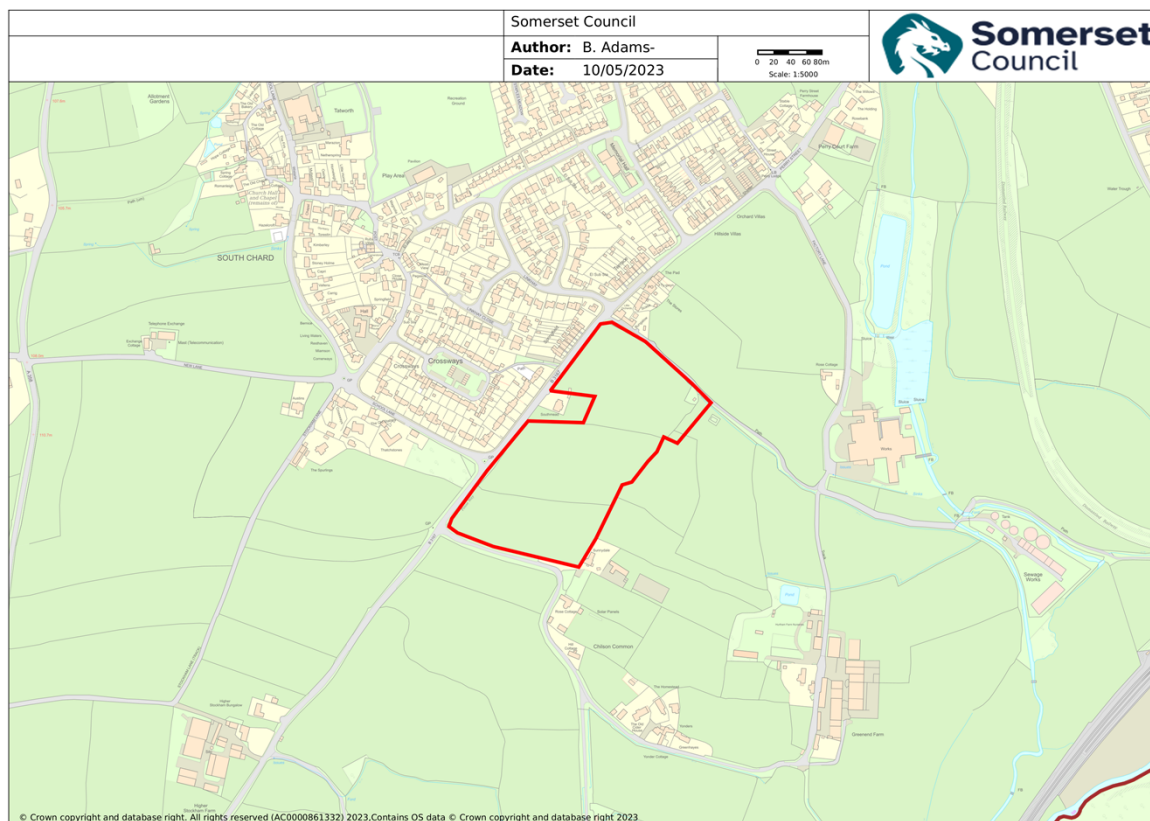
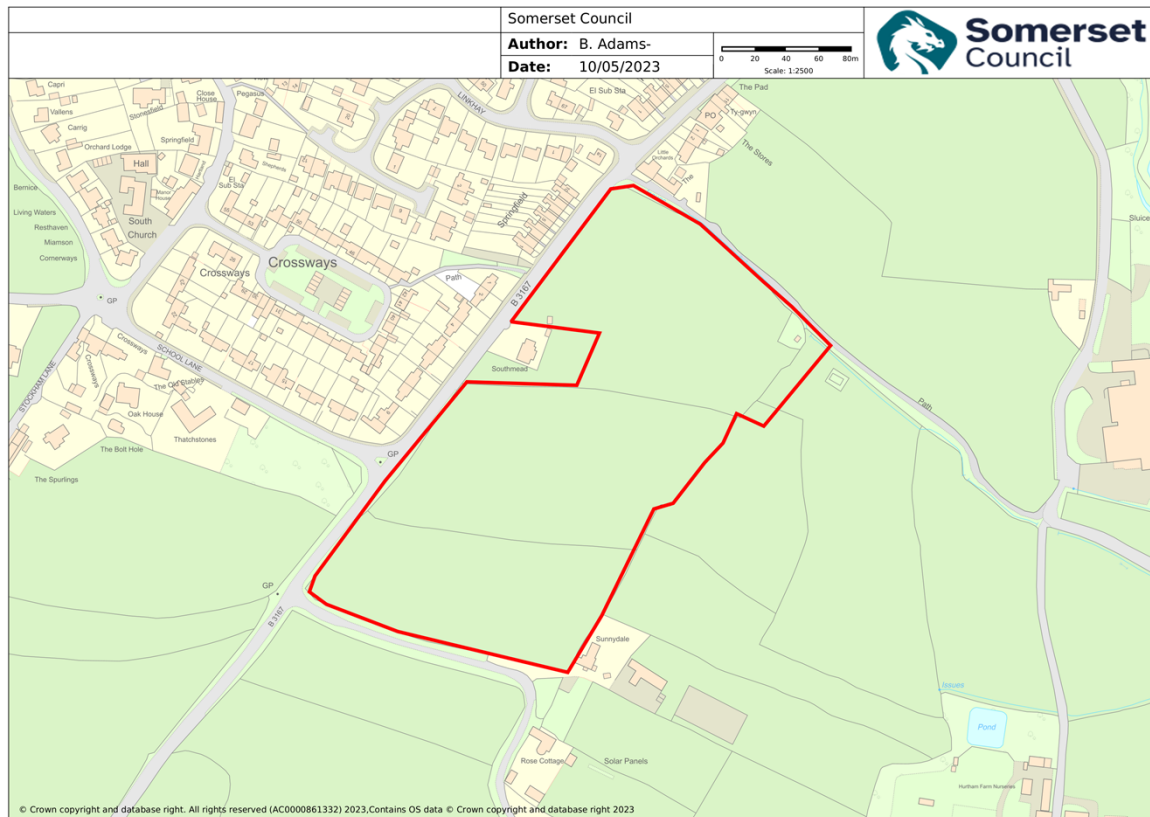
Officer Report On Planning Application: 21/03296/OUT

Proposal :	Erection of up to 95 dwellings (35% affordable housing), with vehicular access from Roman Road, public open space, landscaping, sustainable drainage system, package treatment plant and associated works. All matters reserved aside from access. (REVISED DESCRIPTION & AMENDED PLANS RECEIVED)
Site Address:	Land South Of Southmead, Perry Street, South Chard, Chard, Somerset,
Parish:	Tatworth and Forton
CHARD SOUTH Ward	Cllr Jason Baker Cllr Connor Payne
Recommending Case Officer:	Catherine Tyrer (Principal Specialist) Tel: 01935 462533 Email: catherine.tyrer@somerset.gov.uk
Target date :	2nd February 2022
Applicant :	Crossman Acquisitions Ltd and Mr A P Mear & Mrs N C Mear
Agent: (no agent if blank)	
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL

This application is referred to the Planning Committee as there are objections from Tatworth & Forton Parish Council. As a major planning application, where the Officer's recommendation is not in agreement with the Parish Council, under the Council's Scheme of Delegation, it is automatically referred to the Planning Committee for determination.

SITE DESCRIPTION



The application site comprises agricultural grassland on the south-eastern side of Roman Road (also labelled Foss Way on some maps) and Perry Street and on the northern side of Chilson Common road.

The site measures approx. 4.4 ha. and comprises 3no. existing fields bounded by mature hedges that lie in between Tatworth village (which encompasses South Chard) and Chilson Common hamlet.

The nearest listed building, Grade II, Main Office, John C Small and Tidmas Limited, lies approx. 191m to the east of the site.

The site lies within the River Axe Catchment Area and is identified in the HELAA (Housing and Economic Land Availability Assessment) 2021 under ref. W/TAFO/0001 for residential development.

The 3no. fields, which comprise Grade 2 agricultural land to the south-west corner and Grade 3 for the remainder, are currently accessed via an agricultural gate off Roman Road.

Roman Road and Perry Street are identified as having Archaeological potential while the south-west corner of the site is identified as a mineral consultation area (building stone safeguarding).

Public footpath CH5/66 lies adjacent to the northern site boundary.

DESCRIPTION OF PROPOSAL

The application is in outline only, with all matters reserved aside from access, for the Erection of up to 95 dwellings (35% affordable housing), with vehicular access from Roman Road, public open space, landscaping, sustainable drainage system, package treatment plant and associated works.

Amendments and additional information have been received during the course of this application and the description has been revised.

The red outlined site boundary was amended under drawing, Location Plan L01 Rev.B. This included a blue outlined ownership boundary and involved an additional section of land to the north-west to allow the siting of the proposed PTP within the application site.

The quantum of dwellings proposed was reduced from 97no. to 95no. under drawing,

A further public consultation was undertaken following receipt of amended plans in November and December 2022.

RELEVANT PLANNING HISTORY:

None relevant

Development Plan:

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

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respect listed buildings and states:

in considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the following:

South Somerset Local Plan adopted March 2015

SD1 Sustainable Development

SS1 Settlement Strategy

SS2 Development in Rural Settlements

SS4 District-Wide Housing Provision

SS6 Infrastructure Delivery

HG3 Provision of Affordable Housing

HG5 Achieving a Mix of Market Housing

TA1 Low Carbon Travel

TA4 Travel Plans

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
EQ6 Woodland and Forests
EQ7 Pollution Control

No weight is afforded to the Local Plan Review by reason that it had reached only an early stage in the process and has now been delayed indefinitely due to the transition from district council to unitary in April 2023.

Other material considerations

National Planning Policy Framework (NPPF) 2021
Somerset County Council, Parking Strategy, September 2013
South Somerset District Council, Community Infrastructure Levy Charging Schedule, November 2016
South Somerset District Council, Five-Year Housing Land Supply Paper, November 2022
South Somerset District Council, Local Housing Needs Assessment, (LHNA), October 2021
South Somerset District Council, Policy HG3 First Homes Position Statement, (FHPS), December 2021
South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021
The Hedgerows Regulations 1997

CONSULTEES

This application has been subject to 2no. public consultations. Consultee comments are summarised below. Full comments are available on the Planning Register.

Backdown Hills AONB Planning Officer:

No objection - it is not considered the proposal would adversely affect the Backdown Hills AONB or its setting.

Crime Prevention Design Advisor

Comments dated 21/11/2022: No further comments

Comments dated 02/12/2021: no objections; recommend that the principles outlined in the New Homes Guide 2019 by Secured By Design (SBD) are adopted.

Dorset AONB Partnership:

No objection

The land between the site and the AONB contains a number of built elements, which limits the extent to which the use of the site for housing would be deemed to be highly detrimental to the strength and special qualities of the the AONB. It is recognised that there would be some notable landscape and visual impacts arising from use of this undeveloped greenfield site, but whether it would result in a change that is of such substance that it would be a clear reason for refusal seems unlikely, subject to sensitive design.

In terms of visual impacts, it is not considered likely that the nature of change to baseline in views out from most affected part of AONB provide a clear reason for refusal. Some issues will need to be carefully considered at reserved matters stage (i.e. use of muted building materials, landscaping, tree lined-streets and lighting design).

Environment Agency

Received 05/12/22: No comments

Lead Local Flood Authority (LLFA)

Comments received 13/01/23: Original objections withdrawn subject to conditions and informatives.

Comments received 12/12/2022: Original concerns upheld

Comments received 13/01/2022: Concerns regarding:

1. Greenfield runoff rate for the entire site area (4.4Ha) required to establish limit for post development runoff rate
2. Confirmation required for acceptance of the statutory maintainer to connect the foul and surface water outfalls to the existing watercourse
3. Layout to be revised to avoid public water mains diversion and allow 3m easement on both sides
4. Applicant to provide evidence of communication with the adopting body for the package treatment plan and/or foul network as a whole

5. The required EA permit to discharge to water, to be facilitated by Albion Water, should be secured through the reserved matters application by condition(s).

Natural England:

Comments dated 07/12/22: No objections provided all mitigation measures are adequately secured with any permission.

Comments dated 22/09/22: phosphate mitigation required.

NHS Somerset CCG:

Revised comments received 02/03/22: no objections subject to S106 agreement for developer contributions towards 218no. additional GP places

Somerset Community, Health and Leisure Services (Play/youth and playing pitches):

Based on the population projections associated with the development there is a need for the following: outdoor equipped play area (to be provided by developer on site) and youth facility provision, playing pitches and changing rooms to meet the additional demands arising from the development. Provision is also required for future maintenance to ensure the continued availability of the equipped facilities.

Somerset Ecology Services:

No objections subject to conditions and informatives

Somerset Council Education

Comments received 05/04/22: No objections subject to s106 agreement for developer contributions for primary and secondary school places.

Somerset Council Highways:

Comments received 21/12/22: No objections regarding traffic and access subject to conditions and S106.

Comments received 28/03/22: Full Travel Plan now acceptable subject to conditions and s106.

Somerset Minerals and Waste:

None received.

Somerset Waste Partnership:

None received.

Somerset Council Affordable Housing Officer:

Comments received 07/01/22: No objections subject to S106 agreement

Somerset Council Ecology Consultants:

Comments dated 11/11/22: No objections subject to further comments to be sought from Natural England regarding phosphate risk to River Axe Catchment.

[Officer note: NE now finds the scheme acceptable - see comments above]

Somerset Council Environmental Health Officer:

Comments dated 18/12/22 and 13/01/22: No objections subject to conditions and informatives

Somerset Council Landscape Consultant:

No objections subject to a high quality and extensive scheme of hard and soft landscaping. Approximately worded condition suggested.

- There will be an obvious change in character, but this would be localised and not harmful to wider landscape character
- Retention of existing hedgerow is important.
- Sits well below the horizon in in any meaningful middle or longer distance views, so will be well assimilated within existing settlement. At close range, retention of existing vegetation will be important in limiting harmful effects, and overall not considered there would be undue harm to visual amenity.
- Loss of hedgerow for internal accesses or visibility splay should be replaced with at least a 2:1 ratio of new to lost.
- Given proximity and elevational relationship existing settlement not considered to have harmful effect on AONBs

Somerset Council Public Rights of Way (PROW) Officer:

Comments dated 22/12/21: No objections subject to conditions.

Somerset Council Open Space Officer:

Comments received 01/12/22: *The land provided is still in excess of that required for this development. Aside from this, our original comments still stand, and we are happy for the application to progress.*

Comments received 15/12/21: No objections subject to reserved matters/conditions.

South West Heritage Trust:

No comments received at the time of writing.

South West Water:

Comments received 07/12/22: No objections subject to conditions/informatives

Wessex Water:

Comments received 11/08/22: Concerns that layouts require adjustment to avoid diverting the public water main that crosses the site.

REPRESENTATIONS**Tatworth & Forton Parish Council (PC)**

Comments received 02/12/22 and 10/12/21:

Objection - recommend refusal that the proposed access to the 97 dwellings will generate an unsustainable increase in traffic, on a road, which is heavily used by various types of vehicles.

Using SSDC's formula, there will be an extra 582 movements per day; excluding trade traffic. There is insufficient width of road for access into the proposed site. There are also safety concerns due to only a pavement on one side of the road.

Councillors also commented this development is outside the local development plan for our parish.

The PC also requests the following conditions if the application is approved:

1. Developer to fund new roundabout
2. Developer to fund two safe pedestrian crossings on Dykes Hill
3. Unpolluted water supply to the Swiss Tulle premises secured and maintained

4. Flood water from site to be removed
5. A guarantee that houses are prioritised across the site for local people.

Public Consultation

This application has been subject to 2no. public consultations.

185no. representations have been received from separate addresses, including Tatworth & Forton Parish Council (PC), of which 180 object, 3 support and 2 are neutral.

A summary of the comments received is set out below. Full comments are available on Planning Register.

Objections:

Flooding/drainage

- Site is prone to flooding and the development will make things worse. The fields are very wet with several watercourses running through.
- Concerns of LLFA have not been addressed.
- Attenuation ponds don't work, as evidenced by the flooding in Chard, Tatworth, Perry Street and Forton in June 2021. Area towards the bottom of Dyke Hill will be left to flood on a regular basis if development goes ahead. Area has flooded 4 times this year alone from rainwater cascading down Dyke Hill. Developing these fields and possibly damaging watercourses and streams, or opening up the many hidden springs in this area, will only increase the flooding.
- Artificial drainage will breakdown over time and these issues are always subject to being passed over by those who need to fix them until homeowners are badly affected.
- Swisstulle UK Ltd has been in the village since 1825 and is a substantial local employer. Swisstulle has no access to mains water supplies. It is fed by a natural spring. Can the developers confirm that any works will not interrupt, stop or corrupt the water supply to the factory. Any detriment to this necessary natural resource would be unacceptable.

Policy/Principle/Need/infrastructure/Density etc

- The area does not have the infrastructure and investment to cope with increased traffic.
- There is no employment in the parish so people would have to drive to jobs, shops, doctors, dentists, etc. thus adding to pollution and detrimental impact on

climate. One of the largest employers in the local area (Oscar Mayer) has shut down.

- Already Insufficient or inadequate provision for shops, doctors, hospitals, schools, water, waste, public transport, social services and other community infrastructure.
- already lots of development in Crewkerne and Chard. Huge increase in population but not facilities or jobs.
- -Tatworth is already overdeveloped and doesn't need any more houses.
- Brownfield sites should be used for new housing not greenfield.
- Size of proposed development out of keeping with size of the village.
- The scheme will decrease agricultural land. It should remain as such given the food production and supply issues impacting the UK currently.
- At least 50-60% of the housing needs to be affordable housing
- Tatworth is a village not a town - it has already seen substantial growth, with three villages being merged and now it will join up to the Hamlet of Chilston Common.
- Strongly object to further development on greenbelt land. [Officer note: there is no Greenbelt designation in the district.]
- It will harm amenity of existing village residents and significantly change character of the area.
- Central government is moving away from mandatory housebuilding targets. New (localised) targets for housebuilding are to be advisory and councils will be allowed to build fewer homes if they can show that meeting the advised targets.
- This area has not been identified as part of the local plan.
- There are more than 500 houses being built in and around Chard. An extra 97 houses are not required to fulfil local housing needs. There are over 300 new homes still under construction 2 miles from Tatworth, the impact of these has already been felt in the local area
- Brownfield sites are to be prioritised as per government guidance November 2022. The Old Dairy, Chard Junction is such a site and should be used for the planning application.
- If 97 houses are needed they should be scattered around the various hamlets, not in the form of a whole new estate.
- CPRE objections must be taken into account.
- The site does not fall within the local housing plan for the Chard and Tatworth area.
- SSDC proposed that Tatworth over the next 5 years should have a maximum of 48 new dwellings and already a similar proposal for planning has already been made in Tatworth.
- Look at all the empty shops and offices and develop those.
- Government proposing to ban developments on greenfield sites.

Open space

- The village has two green lungs, the playing field and the Jubilee field, both near the village centre, so the developers offer to provide public open space is irrelevant. It would be on the wrong side of the B3167 for the village (parents would not want unaccompanied children crossing that road, when they can access the playing field safely.)
- area selected by the developers for public open space, is land not suitable for building because of greensand and springs.
- Public access space seems exceedingly small for the amount of houses.
- developers originally implied playing areas and nature trails will be provided, but at the meeting the architect advised they do not have to create it, so now just labelled as an open space, it does not even state that it will be that of green land.

Amenity

- proposals would have a detrimental effect on the daylight into our property.
- The new houses would overlook the existing homes, taking away their privacy.

Highways

- Road has vehicles parked, so development will exacerbate it
- The extra traffic generated would make the B3167 along Dyke Hill even more dangerous than it already is.
- A number of road traffic accidents involving parked cars along Roman road/Perry street B3167 due to over use, with cars and lorries using it as a rat run and frequently speeding. Additional traffic and construction traffic will lead to more accidents
- Area lacks footpaths so increased traffic would be dangerous for pedestrians.
- Site is divided by Main Road, isolating it from the rest of Tatworth.
- Monitoring of traffic flows at weekend, so excluded traffic going to work and school.
- Applicant's figures (bearing no relation to reality) calculated using some 'official' formula - extra traffic movements would be nearly 600 per day on already congested roads.
- Car parking along Perry Street is a problem and despite the 'carrot' offered to allocate parking for the shop, it seems unlikely that the people who want to drop in for one or two items will make use of it.
- This road is effectively restricted to single-lane traffic flow, owing to resident parking at Kent's Estate directly opposite the proposed site. The single lane currently has to accommodate the passage of huge quarry lorries, double-decker buses and heavy farm traffic, in addition to domestic and through traffic. The situation here is already difficult and hazardous. Where it descends onto Dyke

Hill, there is double and sometimes triple parking with residents' and shoppers' cars. The unfortunate residents opposite the shop at Dyke Hill are frequently blocked in and unable either to get their cars out onto the road, or to park to get into their homes. There is no means of widening this bottleneck as the road is already built up on both sides.

- Question whether Residential Travel Plan will actually affect people's behaviour. People are unlikely to want to car share and as there is no likelihood of increased public transport and car journeys will inevitably increase.
- Proposed extension to quarry would also add to the traffic & pollution
- bus links for South Chard are poor.
- Current speed limit of 20mph is too high near a school/bus stop and many drivers do not adhere
- What would be worthwhile is be a better Footpath/cycle route to Chard from Tatworth.
- The amended planning application states that the road near Crossways would be widened, but that will have no impact what so ever just meters down the road. The same amount of cars will still be using this section of the road.

Ecology

- Land is NOT used for dairy farming so talk of phosphate levels is irrelevant.
- Wildlife will be harmed.
- This Greenfield site is close to an SSSI, where there are protected/priority. The recent Quarry Application was rejected on those grounds, so same applies.
- Impact on River Axe SPA (Phosphates)
- covering green fields with extensive hard surfacing means BNG is impossible

Other

- The environmental impact would be catastrophic.
- Pollution will increase dramatically.
- The developers should put the proposal to the community.
- Amendments are minimal - issues remain the same.
- Application will only make money for developer, not improve the area.
- This application is merely a re-hash of a previously rejected plan.
- Chilson Common will lose its historic amenities - it is centuries old, set apart, by countryside, from the village of Tatworth and South Chard. This new development would destroy all these amenities. It would become part of new housing estate.
- Planning for this development is being brought in by the back door.
- Adjacent dairy farm will be impacted - as cows fed by spring located on development site.
- S106 for a new primary school in Chard - some needs to be allocated to Tatworth School.

- Loss of beautiful views across the fields.
- Site is only 500m away from Dorset AONB
- Will development be carbon neutral and homes fit for climate change?
- The fields are still being used for grazing animals.
- Development is not in line with the requirements of the local population, which is generally made up of more mature, retired people, hoping for a relaxing life in a small community
- Decision-makers should listen to the local community. Every councillor at every level should oppose this proposal vigorously or explain why not now and at election time. If this does go ahead, one has to ask of the decision-makers what their long-term vision is for this area, and whose interests they are supporting.
- It would spoil the historic character of Tatworth and surrounding countryside in which I live
- It is merely profiteering, a profit which will be made on the miseries of the locals.
- Developers are well known for back-tracking or delaying on their agreements once they have gained planning permission.
- a number of families have moved into the village, which disproves Crossman's argument that young people can't move to the village.
- creation of jobs during construction will not be long term, and only for duration of development.
- Financial contributions towards additional school places is required. Not reasonable to expect children in Tatworth to attend schools in Chard as routes are not safely walkable/cyclable.
- Will local school be able to cope with influx?
- 60+ objection should be listened to and hope back handers are not brought in to play.
- Archaeology needs to be considered as likelihood of Anglo Romano settlement in the area.
- Site is too close to a large farm who use Chilson Lane for access with large farm machinery and heavy lorries, fields close to the plan used for grazing ,cropping and dung spreading.
- The fields and the Fosse Way form an important buffer between the main settlement of Tatworth and the ancient hamlet of Chilson Common. They currently form the central axis around several popular walks enjoyed by locals and visitors alike.
- The developer may contribute a health care levy but there is NO guarantee this will be built in Tatworth or anywhere near. Likewise there is no guarantee that these houses will go to local people needing affordable homes and not sold for 2nd homes, holiday lets, buy to let.
- Increase in traffic will worsen air pollution and consequently increase in asthma sufferers.

Neutral:

- Please make sure there's plenty of off-road parking and more capacity at doctors, dentists and schools.
- We would suggest that a formal, lit, crossing is constructed further north, closer to the shop, so that it links to the quieter path through Crossways rather than encouraging children to walk, cycle or scoot along the B3167 and then School Lane which is very busy in the mornings and afternoons. This should be very clearly advance signed and road markings installed to ensure it is not obstructed by parked cars. The whole of the new 'safe route to school' should be signed clearly.
- We would like to be consulted on any amendments to the proposals and any subsequent applications please. As an Academy we are responsible for our own funding arrangements and therefore we would like to be treated as a statutory consultee on this and any other major residential development proposals in the Parish.

Support:

- This housing development would give me the opportunity to move back to the village where I went to school and my family are. I have recently brought the property I am in now, after looking in Tatworth for around 2 years for the right property to come up for sale in my price range.
- After looking at the plans of the site it seems the developers have considered lots of everyday problems like parking, drains, everyday sustainable ideas and a lot more.
- I understand people's reservations for change and new developments but everyone needs to live somewhere. This would be a fantastic opportunity for so many people and families.
- I think it is a good idea. We need more houses in this town to support first time buyers.

ANALYSIS:

Principle of Development:

Local Plan policy SS1 states:

Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2).

Local Plan policy SS2 states:

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

- *Meets identified housing need, particularly for affordable housing*
- *Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.*
- *Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.*
- *Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services...*

Local Plan paragraph 5.41 states:

...new housing development should only be located in those Rural Settlements that offer a range (i.e. two or more) of the following services, or that provide these within a cluster of settlements:-

- *local convenience shop;*
- *post office;*
- *pub;*
- *children's play area/sports pitch;*
- *village hall/community centre;*
- *health centre;*
- *faith facility; and*
- *primary school.*

Local Plan policy SS4 states:

Provision will be made for sufficient development to meet an overall district requirement of at least 15,950 dwellings in the plan period April 2006 - March 2028 inclusive.

Local Plan policy HG5 supports delivery of a range of market housing types and sizes to reflect local need.

NPPF paragraph 73 supports the delivery of new homes through extensions to existing villages, among other criteria.

SSDC Five-Year Housing Land Supply Paper, (5YHLS) dated September 2021, notes that the Council cannot currently demonstrate a five-year supply of housing sites but rather the equivalent of 3.7 years.

As such, NPPF paragraph 11 d) applies, as follows:

Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:

...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.

Site location

Local Plan paragraph 5.11 states that all settlements outside Yeovil, the Market Towns and Rural Centres, (Fig 3 on page 13), are considered to be within open countryside and identified in generic terms as 'Rural Settlements'.

Tatworth contains a local convenience store and Post Office, nursery, primary school, two churches, a public house and playing fields. As such, Tatworth comprises a rural settlement as identified by Local Plan policy SS2.

The site lies at a distance of approx. 60m from the convenience store and Post Office; 370m from the school; and there are bus stops along Perry Street, adjacent to the site. These are served by routes 14 and 30. Route 14 runs between Chard and Thorncombe once per day on Thursdays while route 30 runs between Taunton and Axminster with approx. 8 services per day on Mondays to Saturdays. The nearest railway station lies in Axminster at a distance of approx. 5 miles.

For the above reasons, the site is considered relatively accessible with public transport and local amenities within walking distance.

It is acknowledged that the application site lies beyond the extent of the settlement area of Tatworth. However, no settlement boundaries are identified under the current Local Plan.

Given that the site lies immediately adjacent to Tatworth village, and close enough for future occupiers to benefit from its key services, the proposed residential development is considered to comply with policy SS2 in terms of the settlement strategy.

Therefore, the proposal would comprise an extension to an existing village in line with NPPF paragraph 73.

Identified housing need, excluding affordable housing

The outline application involves the erection of up to 95no. new dwellings.

The site is identified in the HELAA (Housing and Economic Land Availability Assessment) 2021 under ref. W/TAFO/0001 as 'Suitable, Available and Achievable' for housing. However, the HELAA states that:

The HELAA only identifies opportunities for housing and economic development on sites which are considered to be suitable, available and achievable/ developable. It does not allocate sites to be developed. The allocation of sites for future housing or economic development will be identified through the preparation of Local Plans and Neighbourhood Development Plans. The identification of potential sites within the HELAA does not imply that planning permission would be granted if an application were to be submitted. The HELAA is a high level assessment. All planning applications will continue to be considered against the appropriate policies within the adopted Development Plan, having regard to any other material considerations.

While the above reflects a high-level perspective, the identification of the site for housing within the HELAA is considered material in this case.

Representations have been received concerning the number of residential developments that have recently been granted or applied for in the vicinity of the site, which could reduce the identified housing need for the area.

The submitted Tatworth Housing Needs Assessment, dated June 2021, notes that the Council can demonstrate a 5YHLS. However, this assumption is now out of date as set out below.

It also notes that Tatworth is identified as a village in the Local Plan Review. However, that review has ceased and carries no weight in this case due to the imminent incorporation of the SSDC into a unitary authority to be known as Somerset Council in April 2023.

The Council's latest position, dated November 2022, on the five-year housing land supply for SSDC, for the five-year period from 1 April 2021 to 31 March 2026, equates to a housing land supply of 3.7 years. This leaves a requirement of 3,717no. dwellings over the five years, or an annual completion rate of 743.4no. dwellings across the whole district.

The latest 5YHLS takes account of both consented and validated applications up to 31/08/22. The current application was made valid on 03/11/21 for up to 97no. new dwellings. As confirmed by the Council's Policy Team (in an email dated 22/11/22) the housing figures for Tatworth and Forton Parish for the Plan period 2006-28 include 86no. completions and 35no. commitments. This excludes pending applications.

Likewise, outline application, 22/02461/OUT, for up to 35 dwellings (re-submission of refused 20/02249/OUT) and outline application, 22/02462/OUT, for up to 13 dwellings (re-submission of refused 20/02247/OUT) have not been included in the commitments (therefore, in the 5YHLS) as they are still under consideration.

Taking the completions and commitments together, these would equate to 121no. potential new dwellings in the parish in the Plan period, (22 years), representing 5.5no. new dwellings per year. Including the current application, this would rise to 9.8no. per year.

The 2011 Census recorded 73,375 dwellings in the district and 1,170 dwellings in the parish. At that time, therefore, the parish made up 1.6% of the total dwellings in the district. On this basis, the annual uplift of dwellings in the parish could be calculated at 1.6% of 743.4, which would equate to 11.9no. new dwellings per year.

It is acknowledged that if, or when, the commitments in the parish would be implemented is an unknown factor. It is also recognised that the local housing need is district-wide and the specific needs of each individual parish or settlement are unknown.

Notwithstanding the above, the inclusion of the current application in the completions and commitments for the parish would represent a slight under-provision in terms of the Council's latest 5YHLS position.

As such, it is considered that the proposed 95no. new dwellings would make a positive contribution towards assisting the Council in meeting its 5YHLS shortfall and, therefore, policy SS4.

For the above reasons, the proposal would be considered to comply in principle with policy SS2 in this regard.

Identified affordable housing need

The scheme would comprise 35% affordable housing, amounting to 33no. units, which is considered policy compliant as per the assessment later in this report.

The Council's Local Housing Needs Assessment, (LHNA), October 2021, at paragraph 5.44, notes an identified need for 169no. AH units per year (2020-40) across the district or 3,377no. over the Plan period.

Using 1.6% as the percentage of the district represented by the parish, the quantum of new AH units required across the Plan period would be 2.7no. per year.

As confirmed by the Council's Policy Team in an email dated 23/11/22, the affordable housing figures for Tatworth and Forton Parish for the Plan period 2006-28 include 5no. completions and 0no. commitments.

Including the current application, the combined completions and commitments for the parish would equate to 1.7no. AH units per year which is just over half of the identified need. Excluding the current application, this figure lies at 0.2no. per year which is a significant under-provision.

Given the above, it is the Officer's view that the proposed AH delivery would make a substantial contribution to the AH need. As such, the proposal is considered capable of compliance with the relevant criterion of policy SS2 in this regard.

The submitted Tatworth Housing Needs Assessment, dated June 2021, notes that: *In terms of affordable tenures, the 2016 SHMA recommends a mix of 10-15% shared ownership/intermediate housing and 85-90% social rented.*

The Council's Affordable Housing Officer has commented that 80% of the AH units should be social rented.

In terms of First Homes, SSDC Policy HG3 First Homes Position Statement, (FHPS), dated December 2021, states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

In this case, the outline application does not include confirmed details of the proposed tenure mix. However, the reserved matters application would be expected to include 9no. First Homes, representing 30% of the proposed AH quantum, and 80% social rented. This would be secured via a Section 106 agreement.

Housing mix

Moving to policy HG5, the LHNA sets out the market housing need for 2020-2040, as shown below:

- 499no. of the total market housing provision or 6% should comprise 1-bedroom units
- 1,329no. of the total market housing provision or 15% should comprise 2-bedroom units
- 5,292no. of the total market housing provision or 59% should comprise 3-bedroom units
- 1,801no. of the total market housing provision or 20% should comprise 4+- bedroom units

The submitted Tatworth Housing Needs Assessment, dated June 2021, notes that:

- *Any scheme should focus on delivering a range of accommodation suited to older persons, including bungalows.*
- In line with the SHMA there should be a substantial focus on 2-3 bedroom dwellings. However, consideration should be given to some 1 bedroom provision given the very low existing share of dwelling stock and the ageing population. Some larger dwellings may be appropriate as part of the mix to further encourage a more balanced population age profile.
- Local agent feedback suggested dwellings below 1,700 sqft and upto c£400,000 were most appropriate to meeting the needs of local residents. Above this level and housing becomes increasingly attractive to those moving into the area from outside.

The submitted Indicative Site Layout, 2664.P01, Rev.C, sets out an indicative accommodation schedule as shown below although this combines both market and affordable housing. This also shows that 14no. would be bungalows for older people and 5no. would be plots for Self-Build.

The Indicative Housing Split for Market and Affordable Combined proposed is as follows:

- 10no. of the total proposed housing provision or 11% are likely to comprise 1-bedroom units
- 22no. of the total proposed housing provision or 23% are likely to comprise 2-bedroom units
- 52no. of the total proposed housing provision or 55% are likely to comprise 3-bedroom units
- 10no. of the total proposed housing provision or 11% are likely to comprise 4+- bedroom units

The market housing mix would be fully assessed at the reserved matters stage as

distinct from the affordable housing. However, the indicative schedule is considered broadly acceptable in principle.

Scale, character and sustainability of settlement

Scale and character comprise part of the reserved matters for later consideration. However, the addition of 95no. new homes would be considered to increase footfall to local amenities and, therefore, to increase the social and economic sustainability of the village. As such, the scheme would be considered capable of policy compliance in this regard, subject to the assessment below.

Local community support and engagement

The site does not lie within a Neighbourhood Plan area. However, the applicant has undertaken public engagement and has submitted a Report of Community Involvement, dated October 2021, which is considered acceptable.

As noted above, the Council has undertaken 2no. public consultations on this application following which, 185 representations from separate addresses have been received. Of these, 180 object, and one of the concerns raised is that the developer's intention is for financial gain rather than the benefit of the local community.

It is acknowledged that there is strong public opposition to the scheme and the main areas for concern are discussed later in this report. However, the abovementioned objection is not considered sufficient to warrant a refusal in this case.

Conclusion on principle

It is acknowledged that the vast majority of the representations received are not supportive of the scheme and that the Parish Council has objected. However, some of the representations support the principle of residential development at this site and recognise the need for housing, particularly for local people and for affordable homes.

It is noted that the site is identified in the South Somerset HELAA (Housing and Economic Land Availability Assessment) 2021 as Suitable, Available and Achievable for housing under ref. W/TAFO/0001. While this evidence base does not serve to establish the principle of residential development at this site, it does form a material consideration in this case.

It is also recognised that the Tilted Balance of NPPF paragraph 11 d) is applicable in

this case by reason that SSDC cannot currently demonstrate a five-year housing land supply.

On balance, it is the Officer's view that the evidenced need for housing and affordable housing, together with the identification of the site within the latest HELAA, and compliance with the majority of policy criteria as set out above, serve cumulatively to outweigh the lack of local community support for the scheme.

For the above reasons, therefore, the principle of residential development at this site is considered acceptable, in accordance with Local Plan policies SS1 and SS2 and NPPF paragraphs 11 d) and 73.

Visual Amenity and Landscape Character:

Local Plan policy SS2 requires development to be commensurate with the scale and character of the settlement.

Policy EQ2 of the Local Plan requires high quality design, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district by:

- Creating quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;
- Having regard to:
 - Local area character;
 - Site specific considerations; and
 - Not risking the integrity of internationally, nationally or locally designated landscape sites.

Policy EQ5 of the Local Plan promotes the enhancement of green infrastructure with reference to walking and cycling routes, increasing access, improving physical and mental health benefits, increasing tree cover, enhancing landscape and place, protecting existing green infrastructure and mitigating any loss.

Paragraph 124 of the NPPF states:

Planning... decisions should support development that makes efficient use of land...

NPPF paragraph 130 states, among other points, that:

Planning .. decisions should ensure that developments...

- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)...

Paragraph 174 b) of the NPPF states:

Planning... decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The site lies within Landscape Character Area Region 2: Blackdown Hills Plateau, Foothslopes and Valleys of which it is identified as Lower Lias Foothills and Lowland Forest. The SSDC Landscape Assessment notes that this area comprises:

- Generally improved grassland on rolling ridgeland and relatively low tree cover;
- Diverse landscape, difficult to pinpoint individual elements of significance.

The application site lies beyond any protected landscape. However, the Dorset AONB lies approx. 667m to the south-east of the site and the Blackdown Hills AONB lies approx. 1.35km to the west.

The Natural Environment PPG states:

Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated...

This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.

It also states:

Management plans... do not form part of the statutory development plan, but they... may contain information which is... a material consideration when assessing planning applications.

Paragraph 176 of the NPPF states:

Great weight should be given to conserving and enhancing landscape and scenic

beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Dorset AONB Management Plan identifies the Special Qualities of the AONB as:

- Contrast and diversity - a microcosm of England's finest landscapes - comprising a collection of fine landscapes; striking sequences of beautiful countryside that are unique in Britain; uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes; numerous individual landmarks; tranquillity and remoteness; Dark night skies; and undeveloped rural character
- Wildlife of national and international significance
- A living textbook and historical record of rural England comprising an exceptional undeveloped coastline and a rich historic and built heritage
- *A rich legacy of cultural associations*

A Landscape and Visual Impact Assessment, dated October 2021, has been submitted in support of this application. This states that:

- The site's primary visual relationship is with the hillsides to the north and east as well as the road and footpath network within the vicinity of the village.
- This is a heavily vegetated landscape and as a result many views are restricted as a result of the high hedgerows lining the lanes and the many copses, blocks of woodland and mature trees located in the landscape. In the winter months, when the trees are out of leaf and the hedgerows have been cut back it is anticipated that views towards the site would be more open.
- The introduction of built form onto the existing fields would inevitably give rise to notable changes to character. The layout has been configured to respond to the character of the village and to connect sympathetically with it. It has also been designed to accommodate all the existing trees and the majority of the hedgerows on site.
- Adverse effects that would arise with the introduction of the built form would be concentrated on the site itself and the immediate vicinity and it is considered they would quickly diminish with distance.
- The majority of people who would have an opportunity to see the proposed development would do so from Perry Street (B3167) and for a short stretch of road approaching and running along the southern edge of Tatworth there would be notable changes to these views. However, once a short distance outside the village, views of both the village and the site are notably reduced.
- There are a number of viewpoints in which it is possible to see the site in

conjunction with the Blackdown Hills and/or the Dorset AONB. In these views the site generally plays a relatively small role in a wider panorama and sits well below the skyline and as such it is judged that the effects on the setting of these two designated landscapes would be minimal.

- The layout of the development would be configured to retain the mature trees and hedgerows in and around the site and provide generous areas of open space, including a 'buffer' area between the new housing and the hamlet of Chilson Common to the east.
- Notable adverse effects would be concentrated on the site itself and its immediate surroundings and would quickly reduce with distance.
- It is judged that the proposed development could be successfully accommodated into this landscape without giving rise to undue effects on the setting of the Blackdown Hills or Dorset Areas of Outstanding Natural Beauty.

Topography

The submitted Topographical Survey, drawing no. 240/11321/1, shows that the ground levels across the site generally slope downwards from west to east and south to north, with a difference of up to approx. 9m in each direction. As such, the dwellings along the north-west side of Perry Street lie at a higher ground level than the application site.

Access

The proposed access is subject of this outline application. The proposed 95no. new dwellings would be accessed via a single point off Roman Road towards the south-western corner of the site on the western boundary.

The proposed access would make use of the existing agricultural vehicle gateway adjacent to a section of open mesh fencing, presumably where the previous hedge was removed to allow visibility splays.

The existing gap in the hedgerow would be enlarged by approx. 25m to the south-west to achieve the requisite visibility splay for the proposed access.

Layout and density

The application is in outline and the detailed layout, appearance, scale and landscaping is reserved for future consideration. The internal site layout is subject to reserved matters consideration. However, the indicative layout, which shows how the site could be developed to accommodate 95 dwellings, includes a north-south spine

road approximately parallel to the highway to the west of the site. Spur roads would lead off this to the east and west, which would lie approximately perpendicular to the highway.

The proposed dwellings would largely front on to these spur roads to the north and south in a linear pattern, with some dwellings fronting onto the hedgerow aligning the highway along the western boundary.

There would be 3no. sections of open space, with 1no. to the north of Southmead, 1no. in the north-east corner and 1no. in the south-east corner. These would comprise public open space, attenuation pond, equipped play area and orchard.

At 95no. dwellings within a 4.4ha site, the indicative density would be 22 dph (dwellings per hectare). The HELAA 2021 calculated a yield of 78no. dwellings at 30 dph within a 2.61ha developable site area. 95no. dwellings as calculated for an area of 2.62 ha would equate to 36 dph or alternatively, 78no. over 4.4ha would equate to just under 18 dph.

The indicative plot sizes would range from approx. 88sqm, in the case of a 2-bed mid-terrace, to 459sqm, in the case of a 4-bed detached.

As comparisons, no.39 Crossways has a plot size of approx. 166 sqm while no.7 Crossways has a plot size of 391 sqm. One of the smallest plots within the settlement is no.1 Ruby Villas at 67sqm. However, this is considered an anomaly given the much larger plot sizes typical of the settlement.

As such, the smaller plots shown in the Indicative Site Layout plan would be out of character with the area. However, this would be fully assessed at the reserved matters stage.

The submitted Design and Access Statement, (DAS), Rev.A, dated 11/11/21, notes that

- All dwellings would have private external amenity space with generous garden spaces;
- Approx. 293 parking spaces including garages would be provided.

The illustrative layout demonstrates that a suitable layout could be achieved on site and is considered acceptable in principle.

Scale and appearance

Again, scale and appearance is reserved for future consideration. The DAS notes that

the dwellings in the surrounding area largely comprise two-storey, detached, semi-detached and terraces of dwellings with light colour render, red brick and natural local stone elevations and pitched tiled or slate roofs.

No details have been submitted at this stage but the DAS indicates the reserved matters application would reflect the local vernacular with proposals likely to involve the following:

- *Up to two-storeys in height, with traditional pitched roofs;*
- *A mixture of external wall materials to include natural stone, red brick and light coloured render, to complement existing nearby buildings in the village;*
- *A mixture of roofing materials including profiled and plain tiles. Roofs are to include chimneys to match external wall materials;*
- *Subtle architectural detailing to include contrasting window surrounds to some key frontages;*
- *A mixture of casement and sash window design to reflect typical fenestration;*
- *A mixture of traditional design entrance coverings including decorative gable porches;*
- *Cock-and-hen stone boundary wall treatments to key plots.*

The submitted Indicative Site Layout shows that the dwellings within the south-western corner of the site would likely be of single storey.

Boundary treatments, trees and landscaping

No details of boundary treatments have been submitted under this application.

The most important tree on the site in terms of public amenity value would be a tree identified as T21, to the north of Southmead, a category A common oak, as noted in the submitted Preliminary Arboricultural Impact Assessment, dated 26/10/21.

The Indicative Site Layout shows the majority of existing trees and hedges could be retained with the exception of 3no. sections of hedgerow to form openings for the access road and internal roads.

As such, the site would be bounded by the existing mature hedging and trees along the perimeters and the 2no. hedgerows along the internal field boundaries would remain, breaking up the proposed built envelope into smaller parcels.

The Indicative Site Layout also shows that there would likely be 3no. parcels of open space: in the north-east and south-east corners, and north of Southmead, incorporating retained tree T21.

The DAS notes:

A full landscape design will be submitted as part of a future reserved matters application to include detailed proposals for the public open space areas.

Assessment of impact on visual amenity and character

It is acknowledged that the scheme would introduce a significant quantum of built form with associated infrastructure and domestic paraphernalia into a greenfield site, together with a substantial intensification of activity over the existing use.

This would result in some harm to the visual amenity and open, rural character of the area that would affect receptors in near and far views.

However, the site lies immediately adjacent to an existing settlement and would read as a village extension, connecting South Chard with Chilsome Common as an elongation of Tatworth.

The southernmost portion of the site would lie beyond extent of the existing dwellings on the western side of Perry Street. The proposed dwellings for this area as shown on the Indicative Site Layout would largely comprise single storey dwellings, with an orchard to the south-eastern corner. The two-storey dwellings immediately to the north of the proposed orchard would sit on lower ground.

As such, the indicative design would suggest that the visual impact of the built form would diminish to the south of the site and provide a transition between what would comprise a village extension and the open countryside to the south and east.

The retention of the vast majority of the existing field boundary hedgerows, the siting of the 3no. pockets of open space, the lower ground levels of the eastern side of the site, and the smaller scale of built form in the south-western corner of the site would be considered to reduce the adverse impact of the proposed development.

While the proposed access would be substantially wider than that existing and would replace the grassed pasture with hard surfacing, it is considered that the adverse impact is capable of being mitigated through appropriate landscaping subject to the reserved matters. As such, this visual change is not considered sufficient to warrant a refusal in this case. It is considered reasonable to impose conditions in this regard and with regard to the proposed retention of existing trees and hedges.

It is acknowledged that some of the indicative proposed dwellings would be

considered relatively small in terms of plot size and potentially out of character with the area. However, this aspect of the scheme is subject to a reserved matters application and would be assessed at that stage.

The proposed scale and density would be considered generally in keeping with the scale and character of the adjacent settlement, and capable of compliance with policy SS2.

The indicative site layout appears to respond to the topography, landscape and existing built form, providing a satisfactory transition between the proposed village extension and the countryside beyond. As such, the indicative scheme is considered capable of compliance with policy EQ2.

The landscaping strategy will be dealt with at the reserved matters stage. However, the indicative scheme proposes the retention of hedgerows and green spaces within the site, together with pedestrian routes through the site linking the existing village with the countryside beyond. As such, it has been demonstrated that the outline application is capable of compliance with policy EQ5.

Consultation has been undertaken with the Council's Landscape Consultant as well as the Blackdown Hills Partnership and Dorset AONB Officer, who have not raised an objection to the proposed development. It is noted within the responses that the land between the site and the AONB contains a number of built elements (including rural homes, farm buildings, a factory, a water treatment site, railways line and other built form), and as such the baseline position, alongside the existing visibility of housing in Tatworth, limits the extent to which the proposed development would have an adverse impact on the special qualities of the AONB. While it is recognised that there will be landscape and visual impacts arising from the use of the site, it is the view of the Dorset AONB Officer that *"the location of the site relative to the AONB is unlikely to provide clear grounds for refusal"*.

The landscape Consultant has also advised that while there would be an obvious change in character, any change would be localised and would not harm wider landscape character. He commented that the site sits well below the horizon in any meaningful middle or longer distance views, which means it will be well assimilated with the existing settlement. While closer distance views will be subject to change, the retention of existing vegetation will be important for limiting the harmful effects.

It is considered that subject to sufficient detailed design measures and a high quality and extensive scheme of soft and hard landscaping (which should include but is not limited to the use of muted building materials, enhanced landscape strategy,

replacement of hedgerow at a ratio of 2:1 (new to lost), tree-lined streets and appropriate lighting design), would be sufficient to mitigate any harm. As such, it is considered reasonable to impose a condition to secure this.

Conclusion on visual and character impact

For the above reasons, the proposed access point and the indicative site layout is considered, subject to conditions and reserved matters, capable of compliance with Local Plan policies SS2, EQ2 and EQ5, and NPPF paragraphs 124, 130 and 174 b).

Neighbouring Amenity:

Local Plan policy EQ2 states:

Development proposals should protect the residential amenity of neighbouring properties.

Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

Representations have been received concerning loss of outlook and rural views, and loss of privacy. Officer note: private views are not protected by planning law and are not a material consideration in this case.

The Council's Environmental Health Officer has been consulted and has no objections subject to conditions requiring a Construction Environmental Management Plan (CEMP) and external lighting scheme to control impact on the neighbouring residential amenity.

The nearest residential properties to the site include Southmead; nos. 1-10 Crossways; nos. 1-10 Springfield Terrace; 1A, Linkhay Orchard; Little Orchard and The Bungalow; and Sunnydale.

All of these dwellings, with the exception of Southmead and Sunnydale, are separated from the site by the highway and the intervening mature hedgerow that aligns the site.

The dwellings known as Southmead and Sunnydale are located adjacent to the site boundaries. Southmead is surrounded by the site on 3no. sides and has open fencing to its residential curtilage along the south and east boundaries, and mature trees along the northern boundary. 3no. oak trees are noted along the western boundary of Sunnydale of approx. 10m high together with mature hedges.

Given differences in ground levels across the site and its immediate vicinity and that the proposed dwellings are indicatively described as two-storey, it is considered highly likely that the development would be visible from the neighbouring properties.

As noted in the DAS, a full landscape design would be submitted as part of a future reserved matters application. However, the Indicative Site Layout shows that there would be a substantial separation gap between the proposed new dwellings and Southmead and Sunnydale, together with new or enhanced hedgerows along the site boundaries.

While it is considered that much of the outlook from these dwellings would change from open countryside to a residential development, private views are not protected by UK law. As such, it is not considered that the change in outlook would, in principle, result in harm to the neighbouring amenity.

Notwithstanding the above, by reason of the outline nature of this application, a full assessment of the impact of the proposed new dwellings would be undertaken at the reserved matters stage.

In terms of the proposed new access, this would be off Roman Road, equidistant between the junctions with Chilson Common and School Lane, and would make use of an existing agricultural access. There would be a separation gap to the nearest dwelling, no.10 Crossways, of approx. 58m.

As such, the proposed access point would not be considered to give rise to unacceptable harm to the neighbouring amenity in terms of noise or light disturbance or loss of privacy.

The recommended CEMP condition would address the impact on the neighbouring amenity of the construction phase.

No external lighting strategy has been submitted with this application. As such, it is considered reasonable to add a condition with regard to the reserved matters.

For these reasons, the outline proposal is considered capable of policy compliance with Local Plan policy EQ2 and the relevant policies of the NPPF in regard to neighbouring amenity.

Future Occupiers' Amenity:

Local Plan policy EQ2 states:

...new dwellings should provide acceptable residential amenity space...

Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

NPPF paragraph 130 f) states:

Planning .. decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for .. future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The site is not located within close proximity to major roads, therefore, traffic noise is not a concern in this case.

The proposed dwellings would be expected to provide an acceptable standard of living accommodation.

In terms of outdoor amenity, the submitted documents and illustrative layout note that each proposed dwelling would have their own garden.

These aspects, together with overlooking and fear of crime, would be fully assessed at the reserved matters stage, but it is demonstrated that it would be possible to achieve an acceptable level of amenity.

Heritage Assets:

Local Plan policy EQ3 states:

All new development proposals relating to the historic environment will be expected to: ...Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets...

Paragraph 189 of the NPPF states:

Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

As noted above, the nearest listed building, Grade II, Main Office, John C Small and

Tidmas Limited, lies approx. 191m to the east of the site, and Roman Road and Perry Street are identified as having Archaeological potential.

The Council's Archaeology Consultant has been consulted on this application and no comments have been received.

A Historic Environment Desk-Based Assessment, dated September 2021, has been submitted in support of this application. This notes that:

- *The Site has potential for the presence of remains spanning from the Roman to the post-medieval periods to survive within the Site. Such remains would be of varying evidential and historic (illustrative) value, but it is highly unlikely that they would be of such significance that they would preclude development of the Site. The heritage impacts of their truncation and / or removal would need to be mitigated through a programme of appropriate and proportionate archaeological works to be agreed with the archaeological advisor to the South Somerset District Council. In the first instance, a geophysical survey followed by targeted trial trenching (including some trenching in any 'blank' areas identified by geophysical survey to test the reliability of the results) could be undertaken, in order to understand the significance of the archaeological remains and inform appropriate mitigation measures.*
- *The Site's boundaries might comprise 'important' hedgerows under the 1997 Hedgerows Regulations (as they are illustrated since at least the 1841 tithe map). These comprise non-designated 'heritage assets' of low heritage significance. The Hedgerows Regulations require that suitable notice is given to the South Somerset District Council prior to removal of such hedgerows (i.e. through planning application process).*
- *A full settings assessment has concluded that the proposals would result in no harm to the significance of any designated heritage assets through alteration of their setting.*

Given the potential for archaeological significance, it is considered reasonable to impose a standard condition in this regard.

By reason of the separation gaps involved between the site and the nearest listed buildings, together with the proposed retention of the existing mature vegetation along the site peripheries, it is not considered, at this stage, that the scheme would result in any impact on the significance of the listed buildings or their settings.

The Hedgerows Regulations 1997 Regulation 6 (1) (e) states that:

The removal of any hedgerow to which these Regulations apply is permitted if it is required for carrying out development for which planning permission has been

granted.

As such, a separate application for the partial hedgerow removal proposed would not be required in this case should the Council be minded to approve this application.

The reserved matters application would be fully assessed in terms of heritage impact.

For the above reasons, the outline scheme would be considered capable of compliance with policy EQ3 and paragraph 189 of the NPPF with regard to impact on heritage assets.

Highways, Parking, Waste:

NPPF paragraph 111 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local Plan policy TA1 requires all residential development to provide Low Carbon Travel measures subject to viability.

Local Plan policy TA4 requires a Full Travel Plan be provided for schemes of over 50no. new dwellings.

Local Plan policy TA5 requires all new development to maximise the potential for sustainable transport.

Local Plan policy TA6 requires the Somerset County Council Parking Strategy standards be applied to all new development.

The Highway Authority has been consulted on this application and has no objections to the proposed new access or the principle of the 95no. new dwellings, subject to conditions and S106 agreement. They have made some comments on the indicative internal road layout which would be addressed at the reserved matters stage.

Highways also note that car parking spaces, electric vehicle parking, and an Updated Full Travel Plan would be required at the reserved matters stage; and that the applicant has committed to a safeguarding sum for Travel Plan monitoring by Highways via a Section 106.

Somerset Waste Partnership has been consulted on this application and has made no

comments at the time of writing.

As noted above, the site abuts a rural settlement comprising limited local amenities including a primary school and 2no. bus stops lie immediately adjacent to the site. These offer a relatively frequent service between Taunton and Axminster, where the nearest railway station is located. As such, the site is considered relatively sustainable in transport terms.

The proposed access off Roman Road is detailed in submitted Proposed Site Access Arrangement, 7247/SK/203, Rev.D. This is considered acceptable in highways safety terms.

The proposed access arrangements also include a new footpath between the vehicular access and the proposed new pedestrian crossing on Perry Street to the north of the junction with School Lane. To facilitate this, the existing bus shelter on the eastern side of Perry Street would be relocated to the rear (eastern) edge of the proposed new footpath.

The Indicative Site Layout shows that there would also likely be 2no. pedestrian and cycle access points to the north and south of the site adjacent to the highway and 2no. access points on the eastern boundary to the fields.

A Transport Assessment (TA) dated November 2021, has been submitted in support of this application, which satisfies policy TA4. This notes that:

- Pre-application advice was sought from the Highways Authority prior to submission of this outline application.
- 97no. new dwellings would generate approx. 120 two-way daily car trips during the am and pm peak hours;
- The projected increase in daily traffic flow would be fall within the typical variation and would represent an imperceptible increase in total vehicle flows through the junctions most likely to be affected by the scheme.
- A junction capacity assessment has been undertaken for the proposed site access which would form a priority T-junction - this concludes that the site access junction would operate well within theoretical capacity with minimal queueing and delay on all arms when the proposed development is fully operational.

A Travel Plan, (TP), dated March 2022, has been submitted in support of this application, representing a revision of that originally submitted, in response to advice from County Highways. This notes that:

- The quantum of car, cycle and motorcycle parking would meet the requirements

for Zone C and would be detailed under the reserved matters application.

- 5no. pedestrian access points would be provided into and out of the site, in addition to the vehicular access point at the following locations:
 - a) to / from Perry Street adjacent to the existing bus stop opposite the Perry Street / School Lane junction, which would be relocated as part of the proposals;
 - b) to / from Perry Street to the north of the site, close to the junction with Linkhay Orchard;
 - c) to / from Chilson Common to the southwest of the site, close to the junction with Perry Street; and
 - d) at two locations onto neighbouring fields to the east and southeast of the site.
- To facilitate access to and from Tatworth village, an informal pedestrian crossing is proposed along the site's frontage with Perry Street, which would also enhance pedestrian connectivity to and from the bus stops along Perry Street.
- In the northernmost part of the site, a pedestrian path would be provided to ensure greater connectivity to the adjacent Public Right of Way, which currently provides access to Tatworth village via Crossways.
- In the southernmost part of the site, immediately adjacent to the Perry Street / Chilson Common junction, a 3m wide cycle path is also proposed off Chilson Common, which would allow cyclists to traverse through the site, thus avoiding the potential for conflict with vehicles travelling along Perry Street.
- A Travel Plan Co-ordinator (TPC) would be appointed by the developer to oversee and implement the TP.
- Occupants of each dwelling for the first three tenures would be provided with a Travel Information Pack, a sustainable travel notice board would be located in a prominent position within the site, a Travel Plan website would be created to support the RTP, and three sustainable travel events per year would be delivered to encourage sustainable travel.
- Car sharing, walking and cycling would be encouraged and financial reimbursements would be provided to occupants towards public transport or bicycle purchases etc.
- Electric charging points would be made available to all dwellings.

This above is considered acceptable in relation to policy TA5 at this stage.

A significant number of objections have been received raising concerns that the roads adjacent to the site are dangerous due to high traffic, narrow lanes and parked cars, and that the proposed development would substantially increase car trips and exacerbate the existing problems perceived by local people.

As noted above, the Highways Authority has raised no objections relating to the impact of the proposed residential development in terms of highways safety and the residual cumulative impacts on the road network. While the objections received in this regard are noted, it is the Officer's view that there are insufficient grounds for refusal on this basis and that the proposed Travel Plan and other mitigation measures would be satisfactory in this case.

For the above reasons, the proposed new access and the principle of 95no. new dwellings are considered acceptable with regard to highways safety and the road network. As such, the scheme would be capable of compliance with paragraph 111 of the NPPF.

Coming to parking provision, the Parking Strategy notes that 2no. car parking spaces are required per 1 bedroom dwelling; 2.5no. car parking spaces are required per 2 bedroom dwelling; 3no. car parking spaces are required per 3 bedroom dwelling; 3.5no. car parking spaces are required per 4+ bedroom dwelling; and 2no. car parking spaces are required per 1 bedroom dwelling; and 0.2no. car parking spaces are required per total quantum of proposed dwellings.

As noted above, the indicative housing mix would include: 10no. 1 bedroom dwellings; 22no. 2 bedroom dwellings; 53no. 3 bedroom dwellings; and 10no. 4+ bedroom dwellings.

As such, 328no. car parking spaces including 19no. visitor spaces would be required.

Given that 1no. cycle parking spaces are required per bedroom, 253no. would be required in this case.

In addition, 95no. electric charging points and 19no. motorcycle parking spaces would be required.

As confirmed by email dated 23/01/23, 288no. car parking spaces plus 253no. cycle spaces would be provided.

Therefore, the cycle parking proposed would be acceptable but the indicative car parking provision would fail to meet the requirement. However, given the outline nature of this application, this matter would be addressed at the reserved matters stage and a condition is, therefore, recommended to this effect.

For the above reasons, it is considered that the outline scheme is capable of compliance with policy TA1, subject to conditions and s106 agreement, as follows:

- i. Travel Information Packs would be provided as noted above;
- ii. Electric vehicle charging - see above;
- iii. Financial incentives to promote use of sustainable transport would be provided as noted above;
- iv. Cycle parking would be provided as noted above;
- v. Travel Plan has been submitted as noted above;
- vi. Sustainable transport measures would be provided as noted above;
- vii. Specific work area with broadband connections - see below;
- viii. Given the scale of the proposed scheme, which would not be considered to result in a significant impact on the residual network, improved public transport connections would not be required in this case.

Moving to the TA1 (vii) expectation for all new residential dwellings to provide a designed in specific work area with broadband connections to allow working from home. This would be assessed at the reserved matters stage and a condition is recommended to this effect.

Turning to waste, the TP notes that: *Swept Path Analysis of the appropriate-sized refuse vehicle and home delivery / courier vehicles will be undertaken at reserved matters stage.*

For the reasons above, the proposed development is considered, subject to conditions and a Section 106 agreement, capable of compliance with policies TA1, TA4, TA5 and TA6 of the Local Plan, the Somerset County Council Parking Strategy and NPPF paragraph 111.

Biodiversity:

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).

In May 2019 South Somerset District Council formally recognised a climate and ecological emergency.

Local Plan policy EQ4 requires proposals to:

- *Protect the biodiversity value of land and buildings and minimise fragmentation of habitats and promote coherent ecological networks;*

- *Maximise opportunities for restoration, enhancement and connection of natural habitats;*
- *Incorporate beneficial biodiversity conservation features where appropriate;*
- *Protect and assist recovery of identified priority species; and*
- *Ensure that Habitat Features, Priority Habitats and Geological Features that are used by bats and other wildlife are protected and that the design including proposals for lighting does not cause severance or is a barrier to movement.*

Local Plan policy EQ5 promotes the provision of Green Infrastructure throughout the district, based upon the enhancement of existing areas including public open space, accessible woodland, and river corridors, and by ensuring that development provides open spaces and green corridor links between new and existing green spaces.

Local Plan policy EQ6 resists the loss of ancient or veteran trees and seeks the enhancement and expansion of woodland.

NPPF paragraph 174 a) states planning decisions should protect and enhance sites of biodiversity value and 174 d) states decisions should provide net gains for biodiversity.

NPPF paragraph 180 d) states opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The County Ecologist has been consulted and has no objections subject to conditions.

The site comprises 3no. fields of improved grassland surrounded by hedges.

The submitted Preliminary Arboricultural Impact Assessment, dated 26/10/21, notes:

- *The proposed development requires minimal losses of trees and has sensitively considered the existing tree cover in respect of RPA incursions and shading constraints.*
- *Tree loss is limited to three small sections of hedgerow (H2 and H13) to facilitate the construction of the internal road network, as well as some pruning of G19 to facilitate the construction of the attenuation basin.*
- *These are considered low value features (Category C) and can be easily replaced / compensated for as part of future soft landscaping proposals.*
- *The opportunities for new tree planting as part of the development is expected to provide a future net gain in tree cover given the limited amount of tree loss.*

- *Further work is recommended to include a full Arboricultural Method Statement*

The submitted Tree Retention and Removal Plan, ref.12920/P02, contained within the above report shows that the majority of trees and hedges would be retained with the exception of 3no. sections of hedgerow to form the access road (approx.25m length to be removed) and internal roads (2no. sections of approx. 17m length to be removed).

The submitted Ecological Assessment (EcIA), dated October 2021, notes:

- The site measures approx. 4.35ha and is currently used for grazing cattle
- Dormice were found to be absent. Levels of bat activity were not notable with the exception of a Serotine commuting route along the north boundary of the site. The majority of activity was that of foraging pipistrelles.
- With the habitat creation, enhancement, and management methods employed as outlined, it is considered that the site would be enhanced for NERC Act Section 41 (UK BAP) habitats and species, and any residual effects would be neutral to beneficial for flora, invertebrates, bats, birds and small mammals.

The submitted Dormouse Survey, dated October 2021, did not record any evidence of Dormice.

The submitted Bat Activity Survey, dated October 2021, notes:

- The proposed site design now retains the hedges originally proposed be removed and as such the majority of potential impacts to bats have been removed.
- However, potential impacts related to loss/changes in foraging habitats, new lighting etc. remain.
- 5no. species of bats were confirmed on the site.
- Any development of the site will result in the loss or modification of the habitats on site and the focus of the mitigation has been to ensure that the integrity of the boundary habitats is at least maintained, not just for bats but for wildlife in general. The ability of bats to forage is not expected to be compromised and the provision of a number of new roosting features would be regarded as being a significant enhancement of the site.

The submitted Biodiversity Net Gain Preliminary Design Stage Report, dated October 2021, notes that the outline scheme would result in a 14% net gain in habitat biodiversity value subject to:

- Implementation of the recommendations within the preliminary ecological appraisal;
- A full specification of habitats and hedgerows including relevant management to be produced within a Landscape and Ecological Management Plan (LEMP)

approved in writing by the local planning authority prior to development.

For the above reasons, it is the Officer's view that, subject to conditions, the proposed outline scheme is capable of compliance with Local Plan policies EQ4, EQ5 and EQ6, and the NPPF.

Phosphates:

Local Plan policy EQ4 states:

Development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site.

NPPF paragraph 185 states:

Planning .. decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The site is identified as being within the River Axe Special Area of Conservation (SAC) Catchment Area.

The form of development, providing new dwellings, is identified by the Natural England informative guidance as one that may require a Habitats Regulations Assessment (HRA).

Natural England have been consulted on this application and following the receipt of additional information and amended plans have no objections.

The County Ecologist has been consulted on this application and following the receipt of additional information and amended plans has no objections subject to conditions.

The proposal involves the creation of 95no. new dwellings. As such, the development would result in an increase in user numbers and is considered to give rise to an increase in phosphates.

A Shadow Habitats Regulations Assessment (sHRA), dated 02/08/22, and a SHRA Addendum, dated 04/11/22, have been submitted in support of this application. The former notes that:

- Foul water from the proposed development would be processed at Chard wastewater Treatment Works, which itself discharges into the River Axe;
- Therefore, the phosphate load from the proposed development could cause a likely significant effect on the River Axe SAC, which is a European designated site;
- A Nutrient Neutrality Assessment (NNA) has been undertaken by RMA Environmental;
- A Kingspan Klargester Biodisc Package Treatment Plant (PTP) with a chemical dosing unit would be installed at the site and would discharge to a stream located along the northern boundary of the site;
- The PTP would be adopted by Albion Water (sewerage undertaker) who would be responsible for managing and maintaining the PTP and any environmental permitting requirements;
- The proposed mitigation involves the replacement of 3no. septic tanks, located within the same sub-catchment as the proposed development, with efficient GRAF One2Clean PTPs (without chemical dosing);
- The dwellings to have their existing septic tanks upgraded include The Bungalow, TA20 4BX, Greystones, TA20 4HE, and Southmead, TA20 2PU, [as shown in Figure 5.1: Mitigation Site Location Plan, of the SHRA];
- The installation of the PTPs and ongoing maintenance would be secured via a Section 106 agreement, [of which a draft Heads of Terms is set out at page 44].
- The proposed mitigation would provide a reduction of 2.89 kg/year of phosphate which would offset the proposed development phosphate surplus of 2.29 kg/year. Therefore, the proposed development will be phosphate neutral.

The sHRA and Addendum have been reviewed by the Council's Ecology Consultants (Ecus Ltd) who have commented that the proposed mitigation would be acceptable subject to permitting and legal agreement.

Following advice from the Council's Ecology Consultants, the red outline was amended to incorporate the PTP and drainage area to the northeast of the original red outline, within the blue outline of land under the ownership of the applicant.

As noted above, a further public consultation was undertaken in November 2022 following receipt of the amended Location Plan.

Representations have been received from neighbours commenting that the application site is rarely used for grazing and mostly left vacant, therefore, the proposed change of use should not be considered as beneficial in phosphate terms. However, the existing lawful use of the application site is agricultural. As such, any assessment of the site will be based on the change of use from agricultural to, in this

case, residential.

For the above reasons, it is considered that the proposal would not be to the detriment of the River Axe Special Area of Conservation, subject to the S106 legal agreement ensuring the implementation and maintenance in perpetuity of the proposed new and replacement PTPs in accordance with the submitted documents.

As such, the proposal is considered capable of compliance with policy EQ4 and paragraph 184 of the NPPF in this regard.

Flood Risk, Drainage, Contamination:

Local Plan policy EQ1 directs development away from areas at risk of flooding and stipulates that development reduce and manage the impact of flood risk by incorporating Sustainable Drainage Systems, and through appropriate layout, design, and choice of materials.

Local Plan policy EQ7 seeks to limit water, land and air pollution and to avoid harm to amenity, health or safety.

NPPF paragraph 168 states:

Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.

Footnote 55 states:

A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

NPPF paragraph 183 states:

Planning .. decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The application site lies within Flood Zone 1 and falls beyond any land having critical drainage problems. The application site measures approx. 4.4 ha. and, accordingly, a Flood Risk Assessment (FRA), dated October 21, has been submitted in support of this application.

Flood risk and drainage

The FRA notes that:

The potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the Site following development will not increase. This will be achieved through restricted discharge rates and an appropriately sized detention basin with an outfall to the bounding watercourse.

The Lead Local Flood Authority (LLFA) has been consulted on this application and has withdrawn its original objections subject to conditions and informatives, as detailed in the Consultees section above.

The Environment Agency has been consulted and has confirmed they do not wish to make any comments.

Wessex Water has been consulted on this application and has commented:

Despite the fact that this catchment does not have Wessex Water sewerage service, our public water main appears to cross the site, affecting the proposed plans. Accordingly, Wessex Water will not permit any buildings, structures, etc. to be erected within statutory easements on either side of the water main. This restriction will also apply to underground structures such as soakaways etc. We'd prefer any proposed layouts to be adjusted so a diversion is not required.

Construction activities over and along the route of the water main would be restricted and should be agreed with Wessex Water before any work commences on site - Method Statements and Risk Assessments should be submitted for approval. It is the developer's responsibility to ensure that the proposed layout and plans comply with statutory easements.

The proposed new foul drainage connection into the public sewers via the proposed pumping station and surface water drainage to the nearby watercourse via the attenuation tanks and flow control pipes are considered acceptable subject to conditions.

Contamination

Preliminary Geo-Environmental Risk Assessment, Rev.B, dated October 2021, has been submitted in support of this application. This notes that:

No significant contamination risks to the development of the site have been identified and it is considered that this development can be undertaken under a suitably worded planning condition and with conventional ground investigation techniques.

The Council's Environmental Health Officer has been consulted and has no objections subject to a Contaminated land watching brief condition.

The site is not known to be contaminated. However, given that agricultural use has the potential to result in land contamination, it is considered reasonable to apply a condition in this regard.

For these reasons, the outline scheme is considered, subject to conditions, capable of compliance with Local Plan policy EQ1 and NPPF paragraphs 168 and 183 in this regard.

Sustainable Construction:

Local Plan policy EQ1 states, among other criteria:

- *New development will ensure that carbon dioxide emissions are minimised through energy efficiency measures, renewable and low carbon energy*
- *Climate change should be considered in the design of new development, incorporating measures such as solar orientation, maximising natural shade and cooling, water efficiency and flood resilience*

NPPF paragraph 154 b) states that new development should help to reduce greenhouse gas emissions, such as through its location, orientation and design.

NPPF paragraph 157 b) states that new development should be designed to minimise energy consumption.

The submitted Energy Statement, dated 29/10/21, notes that:

- The proposed scheme would result in a 60% reduction in site wide energy demand and 46% reduction in site CO2 emissions
- The energy and carbon reduction strategy would involve increasing building fabric efficiency and installing Mechanical Ventilation with Heat Recovery (MVHR), Air Source Heat Pumps and Solar PV panels.

The Future Homes standards 2025 require an 80% reduction in carbon emissions from the 2013 baseline. However, these have not yet been implemented and current Building Regulations, under Approved Document Part L, updated in June 2022, require a 31% carbon reduction.

Given that full plans were deposited with the local authority before 15 June 2022, the latest amendments to the regulations need not apply in this case.

The carbon reduction and energy efficiency measures would be fully assessed at the reserved matters stage. However, the strategy set out in the submitted Energy Statement is considered acceptable and it is considered reasonable to impose a condition in this regard.

For the above reasons, the proposal is considered capable of compliance with Local Plan policy EQ1 and the NPPF.

Affordable Housing:

Local Plan policy SS6 seeks the provision of on-site affordable housing as appropriate, to be secured through S106 legal agreements.

Local Plan policy HG3 requires 35% on-site affordable housing (AH) in schemes of 6no. new dwellings or more.

SSDC Policy HG3 First Homes Position Statement, (FHPS), states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

NPPF paragraph 64 supports the provision of affordable housing in residential major development.

NPPF paragraph 65 seeks at least 10% of the total number of homes to be available for affordable home ownership as part of the affordable housing provision.

The Council's Affordable Housing Officer has been consulted on this application and

has no objections subject to the following:

- 35% affordable housing would be required, to be split 80% social rent and 20% intermediate product.
- For 34 units based on a development of 97 dwellings the split should be as follows: 24 dwellings for social rent, 8 dwellings for First Homes and 2 dwellings for shared ownership.
- The following mix is proposed: 8no. 1 bedroom house or bungalow; 13no. 2 bedroom house or bungalow; 10no. 3 bedroom house; 2no. 4 bedroom house (to be provided for social rent); and 1no. 5 bedroom house (to be provided for social rent).
- Affordable units to be pepper potted throughout the site, and to blend in.
- Dwellings to be houses/bungalows or if flats have the appearance of houses.
- Affordable units to be located in clusters of no more than 10 with social rented properties in each cluster.
- s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.
- The s106 should also include a schedule of approved housing association partners for delivery of the affordable units.

The outline scheme has been reduced from 97no. to 95no. units during the course of this application. As such, the quantum of affordable housing units required would total a minimum of 33no.

The submitted Technical Note: Draft Heads of Terms, dated 3/11/21, includes the commitment to providing 35% affordable housing.

For the reasons above, the scheme is considered, subject to a S106 agreement, capable of compliance with Local Plan policy HG3 and NPPF paragraphs 64 and 65.

Economic Impact:

Local Plan policy SD1 seeks development that improves the economic conditions within the District.

NPPF paragraphs 8 a) and 38 support development that delivers economic benefits.

The proposed outline application involves the principle of 95no. new dwellings adjacent to an existing rural settlement that contains some local amenities.

Future occupiers and construction workers

The future occupiers of the proposed residential development would, in principle, be expected to make a relatively significant positive contribution to the local economy through additional spending on food, travel, cultural/leisure activities and shopping.

Again, considering the principle of the proposed overall scheme, economic benefits would also ensue from the construction phase in terms of job opportunities.

The Economic Statement, dated 25/10/21, submitted in support of this application notes that:

- Regard has been had to the Homes and Communities Agency (HCA) Additionality Guide (Fourth Edition)
- It is estimated that 111 full time jobs would be created over a two-year build programme. The construction industry is an important employer both nationally and locally. According to the 2011 Census, 5.4% of employed residents in the local authority area aged 16 and over were employed in construction. In relation to Tatworth, construction is the fifth largest (out of nineteen) source of employment.
- An average weekly spend of £40,256 is estimated to be generated by the proposed development, or £2,093,312 over the course of a year. Even if this local spending achieved was as low as 10% of the maximum available, this would still equate to a spend of circa £200,000.

s106 Agreement/Developer Contributions

The County Education Dept has been consulted on this application and has no objections subject to a s106 agreement for developer contributions for primary and secondary school places. As such a contribution towards primary (£502,348), secondary school (£333,801) provision and land (£58,200) is required, giving a total of £894,349). This equates to £9,220.09 per dwelling. The schools which will benefit from this funding to ensure sufficient capacity would be Holyrood Academy and Chard KeySite (primary)(i.e. the new school site).

NHS Foundation Trust has advised that contributions are only sought from the total of the open market dwellings (which is 63) on the assumption that any affordable homes would more than likely be occupied by local residents. This approach also recognises that there is the possibility that new and fit for purpose affordable homes may lead to better health outcomes for the occupants.

The NHS has been consulted on this application and has no objections subject to a

s106 agreement for developer contributions for additional GP provision, as follows:

- total figure of £36,288 (£576 per dwelling)

A contribution towards play, youth and formal open space provision is also required, as follows:

- Equipped Play Space (LEAP) - £0 (to be provided and maintained by developer)
- off-site contribution towards improvement of youth facilities at Tatworth Recreation Ground: £14,167, with £5,238 towards ongoing maintenance.
- Off-site contribution towards enhancing playing pitches at Jocelyn Park, Chard or the development of additional pitches on land adjoining the pitches at Forton Community Association: £36,189, with £21,966 towards ongoing maintenance.
- Off-site contribution towards improve changing rooms at Jocelyn Park, Chard or expansion of changing at the Forton Community Association Site: £66,151, with £5,322 towards ongoing maintenance.
- Overall, this equates to £149,032 in total, or £1,584 per dwelling.

The Travel Plan should also be secured through the s106 agreement.

Should the Council be minded to approve this application, then a S106 agreement would be undertaken. This would include the above Education, NHS contributions, delivery and maintenance of the LEAP, contributions towards youth facilities, playing pitches and changing facilities, the Affordable Housing provision, and the Travel Plan and access works.

Agricultural land

NPPF paragraph 174 states that decisions should:

should recognise the economic and other benefits of the best and most versatile agricultural land...

Approx. one third of the site (in the south-western part) lies within agricultural land classified as Grade 2 (Very Good) while the remainder is classed at Grade 3 (Good to Moderate). The fields are understood to be used for grazing.

Given the relatively modest size of the land parcel in question, together with its agricultural classification, the economic impact of the loss of this agricultural land is not considered to constitute unacceptable harm in this case.

Overall, it is considered that the outline proposal would, in principle, result in benefits

to the rural economy in the short and long term and would be capable of compliance with Local Plan policy SD1 and NPPF paragraphs 8 a), 38 and 174 in this regard.

Community Infrastructure Levy (CIL):

South Somerset approved a Community Infrastructure Levy Charging Schedule on 17 November 2016. At the same time as approving the Charging Schedule, it was agreed that the levy would be implemented from 3 April 2017 onwards.

Local Plan policy SS6 states:

A Community Infrastructure Levy will be charged throughout the District in accordance with the adopted Charging Schedule for the provision of infrastructure in the area.

In this case, the proposal would result in 95no. new (C3) dwellings. As such, the proposed development is CIL liable and, should the Council be minded to approve the application, the developer contribution would be secured via a S106 Agreement.

Other:

Public Open Space

Local Plan policies SS6 and HW1 seek on-site provision and enhancement of public open space to be secured via Section 106 legal agreement.

The SSDC Open Space Officer has been consulted on this application and has no objections subject to reserved matters.

The proposed outline scheme involves 3no. Public Open Spaces (POSs) totalling approx. 5,547 sqm as shown in the Indicative Site Layout. This would accord with the minimum of 0.55 ha noted in the Open Space Officer's comments.

The proposed LEAP (Locally Equipped Areas for Play) shown in the Indicative Site Layout sited in the POS to the north of Southmead and adjacent to Perry Street is considered a likely benefit to both neighbouring residents and future occupiers of the application site.

For the above reasons, the outline proposal is considered capable of policy compliance, subject to conditions, in this regard.

Public Rights of Way (PROW)

Local Plan policy HW1 states that PROWs form aspects of Green Infrastructure that need to be given full consideration.

NPPF paragraph 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

Public Right of Way, footpath CH5/66 runs alongside the northern site boundary.

The County Public Rights of Way Officer has been consulted on this application and has no objections subject to conditions.

The application site does not include the PROW and the proposed outline scheme would not be considered to affect the existing footpath.

As such, the proposal is considered capable of policy compliance, subject to conditions, in this regard.

Planning Balance:

The proposed outline scheme would result in up to 95no. new dwellings on the edge of a rural settlement, of which 35% would be affordable, together with 1no. new vehicular access, associated hard and soft landscaping, parking, sustainable drainage and 3no. POSs including a LEAP.

The current application is in outline only, for consideration of the new access and the principle of residential development as noted above.

It is acknowledged that 180no. letters of objection have been received, including the Parish Council. This lack of community support for the proposed development conflicts with one aspect of Local Plan policy SS2 and weighs against the scheme.

Notwithstanding the above, the provision of up to 95no. new dwellings including 33no. affordable units would represent a positive contribution towards the current housing shortfall and is considered a substantial benefit.

The proposal would give rise to some economic benefits through increased footfall to local amenities, although these are limited, and employment opportunities during the construction phase.

Subject to conditions, the outline proposal is not considered to give rise to unacceptable harm in relation to visual amenity, neighbouring amenity, heritage, archaeology, highways, flooding or drainage matters.

The vast majority of the mature hedges and trees within the application site would be retained and protected, while the scheme would be likely to result in overall biodiversity net gains of over 10%.

It is acknowledged that much of the above would require full assessment at the reserved matters stage, should the Council be minded to approve this application.

The proposed sustainable drainage scheme and phosphate mitigation would also be acceptable.

Given that the Council cannot currently demonstrate a five-year housing land supply the tilted balance is engaged in this case.

Overall, the scheme is not considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and the NPPF when taken as a whole.

For the reasons above, the proposal is considered, on balance, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Local Plan policy SD1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and conditional approval is recommended in line with NPPF paragraph 11 d).

Recommendation

Approve

Subject to the grant of planning permission for this outline permission, the application be approved subject to:-

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

- i. The provision of affordable housing (35% affordable housing provision in accordance with the tenure and dwelling type mix specified by the Affordable Housing Officer),
- ii. Contribution towards the provision and maintenance of youth facilities, playing pitches and changing rooms.
- iii. Delivery and maintenance of LEAP
- iv. Management of Public Open Space
- v. Education contribution
- vi. NHS contribution
- vii. Travel Plan
- viii. Access works

And b) the following conditions

01. The proposal by reason of the ability to consider and control scale, layout, design and landscaping within any reserved matters would not result in harm to the landscape, local character, the historic environment, residential amenity, flood risk, ecology or highway safety. As such the proposal is considered capable of compliance with Policies SD1, SS1, SS2, SS4, TA4, TA5, TA6, EQ1, EQ2, EQ4 of the adopted South Somerset Local Plan (2006-2025), the provisions of the NPPF (as amended) and the National Design Guide.

SUBJECT TO THE FOLLOWING:

01. 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than three years from the date of this permission or two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

REASON: To comply with Section 92(2) of the Town and Country Planning Act 1990

02. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan, 2664, L01, Rev.B, (30/09/22)

- Proposed Perry Street Site Access Arrangement, 7247/SK/203, Rev.D, (25/11/22)

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

03. Prior to commencement of above ground works, details of the materials and finishes to be used in the construction of all external surfaces, windows and doors, together with all hardstanding including kerbs, edges, unit paving, steps and if applicable any synthetic surfaces, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity in accordance with Local Plan policies SS2 and EQ2, and the NPPF.

04. Before any above ground works commence, details including design and materials of all boundary treatments within the application site including gates shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details prior to the first use of the development and retained as such thereafter.

REASON: In the interest of visual amenity of the area and biodiversity, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

05. Prior to commencement of the development hereby permitted, including groundworks, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures must be prepared and submitted to the Council for their approval in writing incorporating the recommendations set out in Preliminary Arboricultural Impact Assessment, dated 26/10/21, Tree Retention and Removal Plan, ref.12920/P02, and Ecological Assessment (EIA), dated October 2021.

Upon receipt of the Council's approval in writing, the satisfactory installation of the approved protection scheme (in particular, any required fencing, signage and ground-protection installations), must be confirmed in writing by the Council, prior to development works taking place (NOTE: to comply with the terms of this condition, you will need to e-mail us at: planningsouth@somerset.gov.uk - quoting the relevant planning reference - making sure to provide supporting photographs clearly demonstrating compliance with the approved scheme).

Those approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the Council in writing.

REASON: In the interest of visual and natural amenity, in accordance with Policies EQ2, EQ4, EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-28 and the NPPF.

06. No above ground works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping measures to be in accordance with the criteria for appropriate compensation for unavoidable harmful effects as set out in the Dorset AONB Management Plan policy C2.f.
- a) The submitted scheme shall clearly confirm the details, materials, levels and dimensions of any intended tree or shrub planting, tree pit design, earth-moulding, boundary treatments (for example, hedgerows, fences & walls), seeding, turfing and the installation of hard-surfaces, pathways, driveways and parking spaces.
 - b) All planting stock must be specified as UK-Grown, and details must be provided in relating to the planting locations, planting matrixes, numbers of individual species, sizes, forms, root-types & root-volumes (for example, "Cell-Growns" for smaller sizes, larger sized "Container-Grown's" - ought to have their root volumes detailed in litres, e.g 45-65 litres for a '10-12' or a '12-14') and the intended timing of planting.
 - c) Installation details to ensure successful establishment, specifically relating to ground-preparation, the use of bio-degradable geo-textiles and other weed-suppression and ground stabilising measures, surface-mulching, strimmer-guarding, staking, supporting and tying must also be included within the submitted scheme.
 - d) The tree species to be planted shall include a wide range of native trees.
 - e) Details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site.
 - f) Programme of implementation.

The landscaping shall be implemented in accordance with the approved scheme and all planting shall be carried out within the dormant season (November to February inclusively) upon or prior to the first occupation of the development hereby approved.

If any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced within the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

REASON: In the interest of visual and natural amenity, to provide screening of the development and mitigate its visual impact, to ensure that the proposed development will deliver biodiversity enhancements, to compensate for the loss of greenfield land and to ensure compliance with policies EQ2, EQ4, EQ5 and EQ6 of the Local Plan and the NPPF.

07. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice, otters and other species that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
 - (c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.
 - (d) comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations

set out in the strategy and shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of the 'Favourable Conservation Status' of populations of European protected species and the residential amenity, in accordance with policies EQ2, EQ4 and EQ7 of the South Somerset District Council Local Plan and the NPPF.

08. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones, dormice precautionary working method statement, precautions for reptiles, etc.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

09. 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:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

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

REASON: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

10. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

- A) Installation of new native species rich hedgerow to be planted to form a new boundary between the site and the adjacent off-site house comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field

maple, elder, elm, dog rose, bird cherry and spindle. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

- B) On 50no. dwellings: Installation of at least 1 x Habitat 001 bat boxes (or similar), at least four metres above ground level and away from windows, on the south and/or west facing elevations (1 x per dwelling).
- C) On 22no. dwellings: Installation of at least 2 x Schwegler 1as swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevations of each dwelling (2 x per dwellings).
- D) On 13no. dwellings: Installation of at least 1 x Schwegler 1SP Sparrow terrace (or similar) directly under the eaves and away from windows on the north and/or east elevations of the proposed dwellings (1 on each)
- E) On 12no. dwellings: Installation of at least 2 x Vivra Pro Woodstone House Martin nests (or similar) mounted directly under the eaves and away from windows on the north and/or east elevations of the proposed dwellings (2 on each)
- F) A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
- G) A least 4 x log piles/hibernacula for hibernating common reptiles/amphibians and invertebrates will be created along the boundaries of the site, ideally using the brashings/cuttings/logs from the vegetation management on site.
- H) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- I) Attenuation basins designed for biodiversity, for example scalloped edged, ledges and wetland plants/ trees (see CIRIA manual, Biodiversity Chapter and Graham et al. 2012).

REASON: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

11. Prior to 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: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted, and the site covers a large surface area in which it is considered necessary to preserve as a record any archaeological information before it is destroyed by the development in accordance with Local Plan policy EQ3 and paragraph 189 of the NPPF.

12. No part of the development hereby permitted shall be occupied or brought into use until the proposed access has been carried out in accordance with Proposed Perry Street Site Access Arrangement, 7247/SK/203, Rev.D, (25/11/22) and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be maintained at all times.

There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 90 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

13. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained, and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the

Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.

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

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

14. Prior to commencement, details shall be submitted to and approved by the Local Planning Authority in writing, of all proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, and shall be constructed and laid out in accordance with the approved details and maintained as such thereafter.

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

15. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the

site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

16. The development hereby permitted shall not be commenced until a detailed parking scheme, to include parking spaces and visitor spaces in compliance with the requirements of the SCC Parking Strategy 2013, and associated consolidated turning spaces (no loose stone or gravel) has been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be first occupied until the associated parking and turning areas have been constructed and made available for use in accordance with the agreed details. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA6 and the NPPF.

17. Before the development is occupied secure, covered cycle parking facilities to serve each plot (in compliance with the requirements of the SCC Parking Strategy 2013) shall be provided and available for use in accordance with details to be submitted to and agreed in writing by the Local planning Authority. Thereafter, the agreed cycle parking facilities must be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of sustainable transport and in accordance with Local Plan policy TA1 and the NPPF.

18. A Travel Plan broadly in line with the Interim Travel Plan dated 09/09/20 and incorporating details of an information pack to be provided to all initial residents regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs, shall be submitted for approval, and implemented upon first occupation. The applicant shall implement and monitor the approved Travel Plan in accordance with the Somerset Travel Plan guidance set out at www.somerset.gov.uk/waste-planning-and-land/travel-plans/ and for each subsequent occupation of the development thereafter

maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

REASON: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA4 of the Local Plan.

19. The development hereby approved shall not be occupied unless and until at least 1no. active fast charge socket is provided per dwelling (in compliance with SCC's Parking Strategy 2013 and SCC's EV Charging Strategy Oct 2020) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently maintained, kept free from obstruction and available for the purposes specified.

REASON: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA6 of the Local Plan.

20. The development hereby approved shall not be occupied unless and until each dwelling is supplied with an active broadband internet connection and the broadband internet provision shall thereafter be permanently retained as such.

REASON: To achieve the sustainability objectives of the NPPF and to enable home working in accordance with policy TA1 of the Local Plan.

21. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- a) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - b) Arrangements for liaison with the Council's Environmental Protection Team;
 - c) No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - d) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;

- e) Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- f) Procedures for emergency deviation of the agreed working hours shall be in place.;
- g) South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment;
- h) Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared;
- i) Control measures shall be in place for dust and other air-borne pollutants;
- j) Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.
- k) Construction vehicular routes to and from site; expected number of construction vehicles per day; car parking for contractors; a scheme to encourage the use of Public Transport amongst contractors; and a scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network.

REASON: In the interests of the amenities of nearby occupiers and highways safety and in accordance with Local Plan policies EQ2 and TA5 the relevant policies of the NPPF and in accordance with the provisions of Circular 11/95 and the Environmental Code of Construction Practice.

22. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

REASON: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

23. Prior to commencement of the development hereby permitted details of the design of a Surface Water Drainage Scheme shall have been submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010) and be compliant with the national NonStatutory Technical Standards for SuDS, and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a discharge rate to be agreed with SCC as LLFA.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The drainage works shall be implemented in accordance with the approved details and maintained thereafter.

REASON: To reduce the risk from surface water flooding within and around the site and to manage climate change, in accordance with Local Plan policy EQ1 and the NPPF.

24. Prior to commencement of the development hereby permitted evidence of riparian rights to connect surface water into the adjacent watercourse, as well as evidence of communication with the downstream asset owner as the ultimate point of discharge is provided to the LLFA and LPA. Where riparian rights are

not evidenced, the applicant should provide agreement in principle from the statutory maintainer.

REASON: To ensure the development is properly drained in accordance with the NPPF.

25. o development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority, that shall include:
- a) Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company; and
 - b) A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

The approved drainage works shall be completed and maintained in accordance with the details agreed.

REASON: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

26. Prior to first occupation of any of the dwellings hereby permitted, written evidence and details of the acquisition and installation of the Package Treatment Plants in accordance with details set out in the Nutrient Neutrality Assessment and Mitigation Strategy provided by RMA Environmental (5 August 2022), including an agreed scheme for maintenance and ownership in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority. Such evidence and details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for maintenance of the package treatment plant, the permanent connection of the dwellings hereby permitted to said package treatment plant (unless the Local planning Authority gives any prior written approval to any variation), and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. The Package Treatment Plants shall be installed as per the details submitted with the application and maintained and retained in

perpetuity as per the manufacturer's instructions and the details hereby approved.

REASON: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with insert relevant District LPA Policy and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

27. No development hereby approved shall be located within 3m of either side of the public sewer that crosses the site.

REASON: To allow South West Water unrestricted access to their public assets for repair and maintenance activities.

28. Prior to commencement of the development hereby permitted, details of one or more areas of public open space measuring a minimum of 0.55ha in total, to include a LEAP, (Locally Equipped Areas for Play), shall be submitted to and approved in writing by the Local Planning Authority. The public open space and LEAP shall be implemented prior to first occupation of the development hereby permitted in accordance with the approved details, and access to these areas shall be retained for open access public use in perpetuity and maintained thereafter.

REASON: To ensure the provision of community facilities and green infrastructure in new developments, in accordance with Local Plan policies SS6 and HW1, and the NPPF.

Informatives:

01. In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible

with the Human Rights Act and the decisions of the European Court of Human Rights.

02. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the obligations this imposes, separate from the planning process, in respect of protecting wildlife.
03. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
04. The developers are reminded of the legal protection afforded to hazel dormice under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that hazel dormice are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
05. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
06. Should the development hereby permitted provide for the importing, exporting or use on site of any waste materials, then the development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010) from the Environment Agency, unless a waste exemption applies. The developer is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.
07. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway

Authority to progress this agreement well in advance of commencement of development.

08. The developer's designer should be made aware that there is new SCC design guidance available and that this guidance "Streets in Residential Developments Design Guidance Notes November 2021" should now be followed. A copy of these notes can be found on the SCC website.
09. This development falls within:
- a) A radon affected area and may require full radon protective measures;
 - b) An area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations 1991.
10. The LLFA will expect to review the following information in order to discharge the above conditions:
- a) Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
 - b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - Where relevant, calculations should consider the use of surcharged outfall conditions.
 - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
 - c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.

- d) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
 - e) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
11. No development will be permitted within 3 metres of the public sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. Further information regarding the options to divert a public sewer can be found on the South West Water website via:
www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/
12. South West Water does not accept flows from a package treatment plant into the public sewer network. South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network. The applicant can apply to South West Water for clarification of the point of connection for foul sewerage services. For more information and to download the application form, please visit:
www.southwestwater.co.uk/developers
13. The link path shown connecting to CH 5/66 should be for pedestrian use only to connect up with the public footpath, or a requirement to apply for a Cycle Track Order to be made to permit cycling over the footpath. The link may require the consent of a third party if the land is not in the control of the applicant. Subject to securing consent for a legal agreement with third party landowners, the connection should be secured through a s106 agreement.

Please also note that there is a pending application to modify the Definitive Map and Statement (Modification ref. 520). This seeks to upgrade the public footpath CH 5/66 to a restricted byway. This application is currently awaiting investigation. Further details on the modification process can be found on the relevant SCC webpage: <https://www.somerset.gov.uk/waste-planning-and-land/apply-to-add-delete-or-upgrade-a-public-right-of-way/>

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

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

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

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

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

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporary-closure-of-a-right-of-way/>

15. The developer is advised to submit an application to <https://www.securedbydesign.com/guidance/design-guides> for the development to be assessed against Secured by Design Standards and to implement the measures advised to reduce fear of crime and protect the amenities of future occupants and existing occupants of neighbouring

dwellings.

16. Please be advised that approval of this application (or a subsequent reserved matters application) by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development.
- You are required to complete and return Form 2 - Assumption of Liability as soon as possible and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that liability and any exemptions are agreed before you commence the development and Form 6 - Commencement is submitted to us and acknowledged.

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

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

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