

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - SOUTH

Tuesday, 24 October 2023 at 2.00 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 Tim Kerley
Councillor Sue Osborne	Councillor Oliver Patrick
Councillor Evie Potts-Jones	Councillor Jeny Snell
Councillor Martin Wale	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services – see contact details below.

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **12noon on Monday, 23 October 2023** by email to democraticservicessouth@somerset.gov.uk. Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

This meeting will be live streamed to YouTube and viewable at:
<https://www.youtube.com/watch?v=4jmTDpJLBqs>

Members of the public are welcome to attend the meeting.

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.

Issued by David Clark, Monitoring Officer (the Proper Officer) on Friday, 13 October 2023.

AGENDA

Planning Committee - South - 2.00 pm Tuesday, 24 October 2023

Public Guidance Notes for Planning Committees (Agenda Annexe) (Pages 7 - 10)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 11 - 14)

To approve the minutes from the previous meeting.

3 Declarations of Interest

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

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 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.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Wednesday 18 October 2023.

5 Planning Application 20/02014/REM - Land at Head Street, Tintinhull, Yeovil, Somerset. (Pages 15 - 36)

To consider an application for approval of reserved matters pursuant to condition 1 (appearance, landscaping and scale) and condition 5 (biodiversity enhancements) of outline planning approval 16/04608/OUT for the erection of 28 dwellings and associated works.

6 Planning Application 22/02240/S73 - Land Os 5439 Part, Townsend Green, Henstridge BA8 0RG. (Pages 37 - 80)

To consider an application to vary Condition 10 point iii (scheme for pedestrian improvements) of Condition 10 of Approval 17/03029/OUT (Inspectorate ref: APP/R3325/W/18/3197690) for the Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way.

7 Planning Application 23/02106/HOU - Isle House, Muchelney Road, Muchelney, Langport TA10 0DP. (Pages 81 - 88)

To consider an application for demolition of garage and replacement with 2 storey extension for an annex to provide multi-generational living accommodation.

8 Appeal Decisions (for information) (Pages 89 - 108)

Other Information:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public 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, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

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 by email to democraticservicessouth@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

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.



Minutes of a Meeting of the Planning Committee - South held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 22 August 2023 at 5.30 pm.

Present:

Cllr Peter Seib (Chair)
Cllr Jason Baker (Vice-Chair)

Cllr Steve Ashton	Cllr Mike Best
Cllr Henry Hobhouse	Cllr Jenny Kenton
Cllr Tim Kerley	Cllr Evie Potts-Jones
Cllr Jeny Snell	Cllr Martin Wale

In attendance:

Cllr Tony Lock	Cllr Andy Soughton
Cllr Dean Ruddle	

Other Members present remotely:

Cllr Simon Coles	Cllr Emily Pearlstone
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24 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Andy Kendall, Sue Osborne and Oliver Patrick. There were no substitute Councillors in attendance.

25 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - South held on 25th July 2023 be confirmed as a correct record.

26 Declarations of Interest - Agenda Item 3

Somerset Councillors who are members of Planning Committee South who are also

City, Town and/or Parish Councillors – noted for items on this agenda:

Tim Kerley – Somerton Town Council

There were no other declarations of interest.

27 Public Question Time - Agenda Item 4

There were no questions from members of the public.

28 Planning Application 23/00850/DPO - Land OS 4575, Cartway Lane, Somerton. - Agenda Item 5

The Planning officer introduced the application to the committee with the assistance of a powerpoint presentation. He explained the application was to vary a Section 106 agreement to remove the requirement to provide lighting to the link footpath. He also provided the following updates:

- Clarified the confusion in terms of the third-party representations as set out in the report.
- Updated representations to reflect the comments of which the majority were regarding concerns for wildlife, particularly bats and light pollution.

He referred to the key considerations and detailed the benefits of both installing and not installing the lighting. The recommendation was to agree to variation of the Section 106 Agreement in relation to the changes as requested to vary paragraph 1 of Part 2 of the S106 agreement dated 22 March 2017.

A representative from Somerton Town Council addressed the committee. Some of her comments included:

- The installation of lighting would allow for the safe inclusive and convenient access to local facilities that addresses the needs of all.
- Acknowledge the concerns regarding bats but that suitable low lighting should be installed.
- Once the footpath is fully surfaced it will be far more accessible and safer for pedestrians.

Division member Councillor Dean Ruddle addressed the committee. He felt strongly that some form of lighting was essential on the bridleway as this was the only safe access from the site to the nearby town centre and local facilities.

The Applicant then addressed the committee. Some of his comments included:

- Development was well through construction stage with two thirds occupied.

- Local residents were not in support of any lighting columns.
- Illumination of the area would have an impact on the ecology and in response to the Ecologist and latest legislation there was the need to protect bats and safeguard wildlife in the area.

The Planning Officer responded on a visual representation made by Somerton Town Council of the bridleway and stated that in his opinion there was sufficient room to locate lighting columns should this be required.

Following a question from a member on whether consultation had been sought from the Police Crime Prevention Officer the meeting was adjourned for a few minutes so that the Planning Officer could clarify this information.

On reconvening the meeting, the Planning Officer confirmed that the Crime Prevention Officer had been consulted but that no response had been received.

The Planning Officer then responded on the points raised by the public speakers and on points of detail and technical questions raised by members including:

- Clarified that members simply needed to agree whether there was a requirement for the lighting or not and not on the specific detail.
- Confirmed an Ecology survey had been carried out for the whole site and not just the bridleway and highlighted the conclusions made within the survey.
- Confirmed that at reserve matters stage there was a discharge of a condition associated with this development and that the lighting design met the bat friendly requirement. The Highways Authority and Council's Ecologist had also agreed a suitable design could be implemented.
- Agreed that the application was compliant with current Local Plan policies that seek to secure safe, accessible non car pedestrian routes, particularly to town centres, that addresses the needs for all.
- Referring to the plan clarified the location of the proposed lighting along the link footpath.

During discussion member made several comments including the following:

- Felt that suitable lighting was much needed along this link footpath, as the alternative route along Cartwell Lane was a very busy road and therefore need to ensure a safe accessible pedestrian route out of the estate.
- The lighting was an integral part of the development and infrastructure that was promised and would look to future proof this area and ensure safe non car accessibility for all.
- Did not believe the lighting would have a significant impact on the dark skies of the area as it was already quite an urban area with an industrial estate close by.

- Should this requirement be removed felt that Somerton Town Council may have to fit the bill for this lighting in the future.
- Appreciated the need to consider the climate change emergency but that providing a safe 24/7 non car 'access route with suitable low lighting was acceptable and essential for pedestrian in this case.

Following a short discussion, it was proposed by Councillor Tim Kerley and seconded by Councillor Peter Seib to refuse the changes requested to vary Part 2 of the Section 106 Agreement dated 22nd March 2017, contrary to the officer recommendation for the following reasons:

- Perception of personal safety
- Inclusive off road accessibility to the town centre

Members were content to delegate the exact wording of the reason for refusal to officers.

On being put to the vote this was carried by 8 votes in favour, 0 against and 2 abstentions.

RESOLVED:

To refuse the changes requested to vary Part 2 of the Section 106 Agreement dated 22nd March 2017 for the following reasons:

- Perception of personal safety
- Inclusive off road accessibility to the town centre

That delegated authority be granted to officers to agree the exact wording of the reasons for refusal.

(Voting: 8 in favour of refusal, 0 against, 2 abstentions)

(The meeting ended at 6.45 pm)

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CHAIR

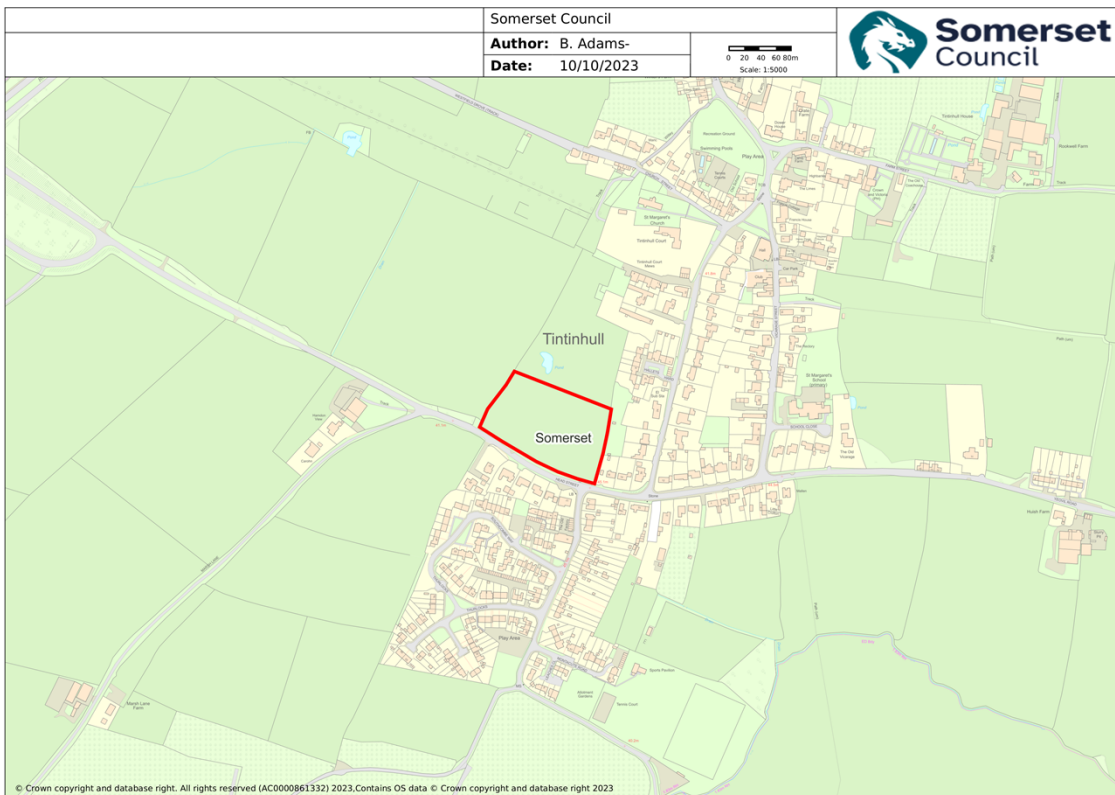
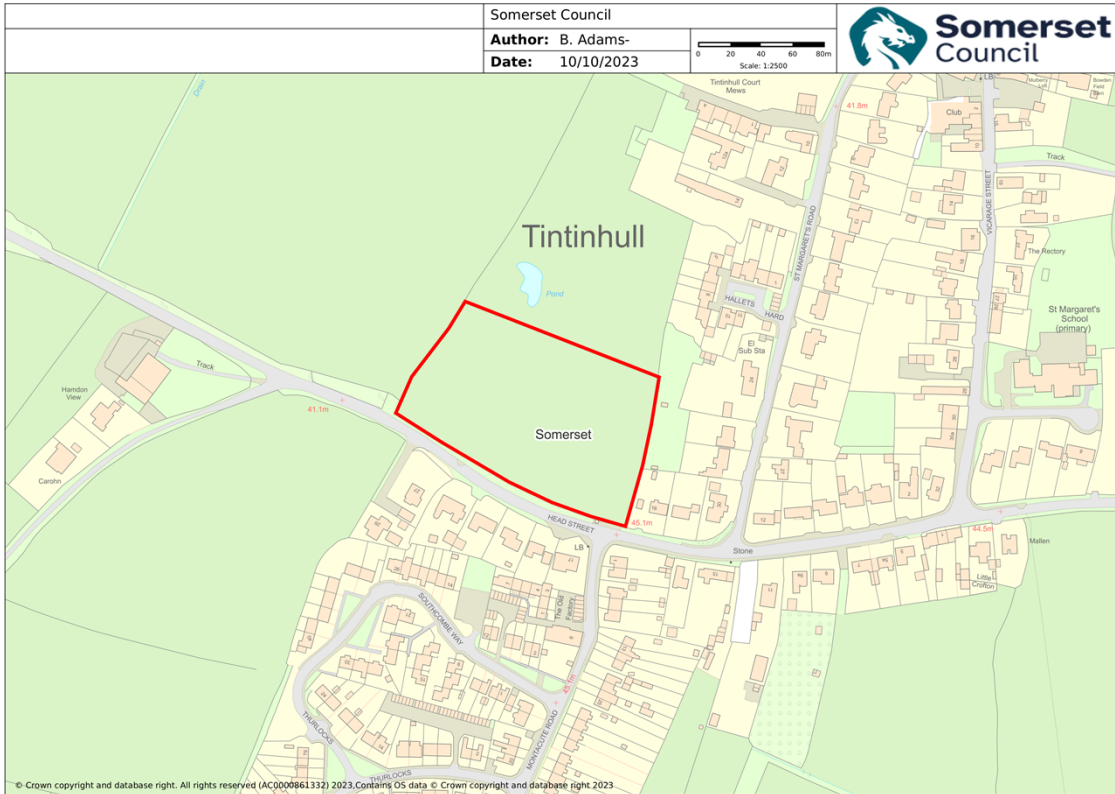
Officer Report On Planning Application: 20/02014/REM

Proposal:	Application for approval of reserved matters pursuant to condition 1 (appearance, landscaping and scale) and condition 5 (biodiversity enhancements) of outline planning approval 16/04608/OUT for the erection of 28 dwellings and associated works.
Site Address:	Land At Head Street, Tintinhull, Yeovil, Somerset,
Parish:	Tintinhull
MARTOCK Division	Cllr John Bailey, Cllr Emily Pearlstone
Recommending Case Officer:	Colin Begeman (Principal Specialist)
Target date :	17th October 2020
Applicant :	Orwell Ltd
Agent: (no agent if blank)	Boon Brown Planning, Motivo, Alvington, Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This is a major planning application and on the basis that the officer's recommendation does not accord with the views of the Parish Council it is therefore required to be referred directly to the Planning Committee South for its decision in accordance with the Somerset Council's Scheme of Delegation.

SITE DESCRIPTION AND PROPOSAL



This is a Reserved Matters application pursuant to Condition 01 (appearance, landscaping and scale) and condition 5 (biodiversity enhancements) of outline

planning permission ref. 16/04608/OUT for the erection of 28 dwellings (incorporating details of access and layout) and associated works including open space, drainage infrastructure and highway works.

The application site is approximately 1.4 hectares, an open field on the western side of the village, adjacent to the built up area. The site lies on the north side of Head Street, with development to the south, extending to the western extent of the site. The levels of the application site are raised approximately 1 m above adjoining road level and relatively flat with a slight fall from east to west. The field is served by an existing field gate from Head Street in its southeast corner.

The majority of the northern boundary is formed by a line of tall mature conifer trees planted on the adjoining agricultural land. The northern boundary is open at its western end where the conifer belt ceases. The site is bordered by residential development to the east and separated by a native hedgerow. The southern boundary with Head Street is formed by a tall native hedgerow for the majority of its length with open estate railings at its eastern end around the existing access. The western boundary with the adjoining countryside is formed by a native countryside hedgerow. There is residential development to the south and east with the closest residential dwellings situated along Head Street. A public footpath runs north from Head Street adjacent to the western site boundary and is unaffected by these proposals.

The designated Tintinhull Conservation Area is located a short distance to the north of the application site extending along the western side of St Margaret's Road as far south as the curtilage of The Old Dairy House, a grade II listed building adjacent to the northeast of the application site.

The site is not located within any areas of special designation, conservation areas of wildlife/habitat designations and the site is located within flood zone 1.

The means of access and layout of the proposed development repeats the details already approved by the outline permission. The access is located centrally along the site frontage with Head Street achieving visibility splays of 2.4 m by 43 m in both directions. A footpath is proposed along the southern edge of the site link to the existing pavement on Head Street to the east and to the public right of way to the west.

The residential layout is split in to two distinct areas by the access road which travels south to north, bisecting the site into a western area and an eastern area. The housing in the western part of the site adjacent to the countryside is lower density formed by a low-slung courtyard of single storey barns. Housing in the eastern part of the site is higher density and served by shared surface roads. An extensive area of

open space occupies the westernmost part of the site including a surface water attenuation pond/swale and large areas of open space.

Following on from discussions with the local planning authority at the outline stage, the proposed buildings vary between single storey and two-storey in scale and are of a traditional vernacular appearance.

A detailed landscaping scheme is also submitted for consideration.

RELEVANT PLANNING HISTORY

16/04608/OUT - Outline application for the erection of 28 No. dwellings and associated works on land to the north of Head Street, Tintinhull, Somerset allowed at appeal on 25th October 2017 (appeal ref. APP/R3325/W/17/3176815).

19/02684/DOC - Details of a sustainable surface water drainage scheme submitted and approved as discharging condition 8 of the outline permission on 20.02.20.

PLANNING POLICY AND GUIDANCE

The South Somerset Local Plan (2006 - 2028): In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. Relevant policies of the South Somerset Local Plan (2006-2028) - SD1, SS2, TA6, EQ2, EQ3 & EQ4.

National Planning Policy Framework: Chapters 2, 4, 5, 8, 9, 11, 12, 15 & 16.

National Planning Practice Guidance: Design, Natural Environment, Rural Housing,

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

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

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

CONSULTATIONS

Consultee Tintinhull Parish Council

Tintinhull Parish Council objects most strongly to this application pertaining to approval of reserved matters pursuant to condition 1 (Appearance, Landscaping, and Scale) and condition 5 (Biodiversity enhancements) of outline approval 16/04608/OUT related to land at Head Street Tintinhull.

1. The Council appreciates fully that outline planning permission was awarded on appeal to the applicant by the Planning Inspectorate on 25 October 2017 albeit, it is believed that such permission failed to account for prior objections raised by the Tintinhull Community; such objections appear to have been disregarded or overlooked. Such a situation behoves this Council to apprise the Planning Authority in greater detail than might be usual to all key objections to the proposed build scheme but clearly laying full emphasis on the actual business under consideration - Reserved Matters. It is regretted that the initial SSDC refusal for this scheme hinged solely on the local landscape character and potential harm to heritage assets since this concealed many very real issues that were not considered during the appeal process.

2. There has been little consultation by the applicant or its architects on the Head Street scheme with Tintinhull Parish Council or villagers. Apart from an initial public consultation in September 2016, there has been no attempt to engage with the Tintinhull community, to take onboard and follow up on local objections. The present Reserved Matters application has not been discussed; it being advanced by the applicant that COVID-19 made traditional methods of consulting with the public impossible. This coupled with the short timescale for preparation of the application and the deadline for submission meant that general engagement with the public had been precluded. The lack of regard in this matter for the Tintinhull community is astonishing. If nothing else, allowing for time elapsed since the granting of outline permission, Boon Brown architects could have made some effort to engage with at least the Parish Council through Zoom etc. It is recognised that there is no mandatory requirement for consultation, however, to be frank, is it at all reasonable or even fair to overlook or disregard local concerns?

3. The most commonly raised concern is related to highway safety, and the capacity of surrounding streets to accommodate traffic from the proposed development. Despite 30mph signs and traffic slowing build-outs, Head Street (a 'C' road) experiences a high density of traffic very often transiting at high speeds. The access/exit road to the development is on a bend in the road at a point exactly opposite an established exit for two existing dwellings and close to a traffic calming measure to the west of the access point. This causes traffic to enter the village from the west on the wrong side of the road, hence cars exiting the site to go west towards the village of Ash would potentially be placed 'head-on' to vehicles manoeuvring around the adjacent traffic calming chicane. This presents an obvious potential accident black spot. Paras 2.2.2 and 3.1.4 in the Hydrock Travel Plan are illinformed. Any suggestion that the traffic built-out is effective in maintaining low speeds is erroneous since cars often markedly speed up to beat opposing traffic at the congestion point alternatively, the build-out cause traffic jams at peak times. The addition of up to 60 plus cars, delivery lorries and waste collection vehicles using the access road to and from the site, particularly at peak times, presents a significant problem for traffic density on this road when combined with through traffic, public transport and vehicles from 130 households in the south of the village who use the Montacute Road junction for their daily needs. How the Highways Department approved this arrangement is hard to imagine; the SSDC Highways Consultant's comments: "In addition to SCC comment, I note that SCC Highways dealt with the outline submission at which time the "Access" would have been covered and approved." This is completely unsatisfactory, the Parish Council requests that, despite outline permission, this matter is revisited. It may mean that the present speed build-out is removed or re-positioned and other appropriate changes made to improve the safety of the access. In light of the increased density of traffic on Head Street and the continuing high speeds of transit, the Highways Department might also consider, as an S.106 measure, requiring the developer to institute better traffic management methods in Head street including the positioning of Speed Indicating Devices and mini road humps.

4. Further concern relates to parking. It is appreciated that the Somerset County Council Parking Strategy has been applied to this site. That aside, with such a condensed site, realism indicates that parking availability on site is most probably insufficient. 28 homes providing accommodation for 136 people would need more parking area/spaces than the 61 (+ 6 visitor parking spots) suggested since most home owners living in rural locations have at least 2 cars and more if they have older adult children, let alone visitors. It is noted that many parking slots are provided in tandem arrangement; people often do not follow rules, particularly in parking also many do not use their garages for cars. It is for debate as to whether the garage spaces have been counted in to provide the overall parking availability figure. With the addition of a few motorbikes, the odd mobile home and caravan, difficulties are

foreseen for service, re-cycling, delivery and emergency vehicles accessing the site owing to sub-optimal parking arrangements with inevitable blocking of the internal roadways by additional vehicles. There is also significant local concern that parking might spill over into Head Street and down Montacute Road creating difficulty for through traffic and local transport.

5. Related to the above but separate, a mere 5m wide "shared surface lane" (not road), with no proper pavement (but an apparent 0.9m margin on each side) services 14 properties at the eastern side of the development. This is not typical for a residential development in this area and offers a potentially dangerous mixing of every type of vehicle with pedestrians, prams, cyclists and small children. This solution has clearly allowed cramming of the site with additional properties at the expense of in-site access, habitability and safety.

6. Village infrastructure - this is a high-density development for this small village. The increase in size of the village by over 10% in population has received insufficient attention to respect of infrastructure especially the lack of any shop, no medical surgeries and a very limited bus service. The village primary school already operates at near full capacity therefore children may need to travel outside the village for school, presumably all starting and returning at similar times, causing multiple vehicle movement to and from the site onto Head Street at its busiest times of the day. The local doctors' surgeries cannot cope with the present population. There are surgeries in both Martock and South Petherton but the effect especially on Martock could be severe with its own housing developments. The Design and Access Statement merely refers in 'Surrounding Context' to the existence of the School; the Village Hall, St Margaret's Church, the Swimming Pool, the Crown and Victoria Inn and Tintinhull Garden. There is no discussion of the impact of an increase of 10% of population on the village facilities. There is no mention regarding medical facilities. Moving now specifically to discussion of Reserved Matters: Appearance, Landscaping and Scale

7. The proposal is not in tune with the linear local settlement pattern/density dominated by detached dwellings with reasonably generous separation. Also, the proposed two storey house (Plot 5) on the frontage of the estate is not in keeping with the one storey bungalows directly opposite or the proposed one storey buildings on either side, especially as the steep roof gable lends itself to becoming a subsequent third storey therefore badly overlooking the bungalows opposite.

8. The north side of Tintinhull from Head Street has no development with this number of houses. If any new houses are to be built in this area then the scale of the development needs to be broadly in keeping with what is already in this part of the village. Houses in the north side of the village have at least medium sized gardens and the new should follow this general pattern. Houses should be scaled to fit the

look of a village and not a town of the likes of Yeovil. In short, there are too many houses crammed into a small area. Finally, it is not accepted that the proposed buildings and spaces are of "bespoke design to suit local character and context". The design approach of a "faux farmhouse and converted barns" might reflect a rural nature but can it really be appropriate in the context of Head Street? The layout does include some areas of open space, mainly centred on the "farmyard" and around the position of the drainage tank and swale pond. Safety issues related to the swale pond offer a further concern.

9. This is a predominately hamstone village indeed in the Planning Statement (Para 2.6) the applicant states: "Building materials are dominated by "hamstone tones" although render and brick is prevalent in Montacute Road. Further north and east the village is characterised by traditional vernacular buildings within the historic core and designated conservation area." It is noted that that much use will be made of reconstituted stone (hopefully of a hamstone character) in the build but apparently no effort has been made to incorporate natural hamstone, even in part into the design. The extensive use of stained timber boarding as a building finish (even in part and to add variation) is just not acceptable in the context of a development on this site. Such an approach simply does not accord at all with the appearance of other property in Head Street and Montacute Road also there are no farms in the Tintinhull area that are timber clad.

10. There is a need to know the finished floor levels of the proposed properties in relation to the main highway - how much above the road are the floor slabs of the dwellings going to be, since the levels of the site are raised approximately 1m above the adjoining road level. The potential for the houses to the south of Head Street being overlooked by this development are a concern.

11. Finally, biodiversity - It is acknowledged that removal of some of the hedgerow along Head Street will be necessary to construct the site access. In accordance with the biodiversity checklist, completion of the planning process will require a wildlife survey to be undertaken by a qualified and experienced ecologist who is a member of the Chartered Institute of Ecology and Environmental Management (CIEEM). Planning Permission Condition 6 provides a requirement for the protection of Badgers at each stage of site development including an updated badger sett survey.

12. The Parish Council have accepted that issues raised in relation to drainage and sewerage have been addressed via appropriate authorities and consultants and that the Local Authority now has assured confidence in these matters.

13. In conclusion, this Council understands fully the presumption in favour of sustainable development, contained in the NPPF, particularly in view of persistent

under-delivery of housing in Somerset. Clearly the incorporation of as many houses as possible into any scheme (including affordable homes) is important to the Local Authority and is a key consideration to the commercial interest of the developer. That aside, the business of living with an inappropriate and inappropriately scaled development must be permanently borne by the community upon which it is imposed. This scheme provides "no clear benefit" to the inhabitants or look of this village. The Local Authority should not underestimate the antipathy of the local community to the development as presented and the feeling that their wishes are being ignored and the democratic process undermined.

14. South Somerset District Council are urged to account for the views of Tintinhull Parish Council and to refuse approval of the reserved matters as presented pursuant to this application.

Consultee County Highways

Standing Advice Applies (following appeal and no highway objection)

Consultee SSDC Highways Consultant

SCC comment: (following appeal and no highway objection). SSDC Highways Consultant's comments: In addition to the SCC comment, I note that SCC Highways dealt with the Outline submission at which time 'Access' would have been considered and approved.

Natural England

No objection and approve the phosphate mitigation strategy detailed in the SHRA

Ecology

Apologies for the slow response to this enquiry. I confirm that biodiversity enhancement details prepared by Encompass Ecology are in my view acceptable. Therefore, on the basis of this submission I am pleased to confirm that condition 5 of planning consent 16/04608/OUT can be considered to be discharged.

Phosphate mitigation endorsed.

Representations

64 notification letters sent out. 14 responses:
12 x Objections, 1 x neutral comments, 1 x supporter

Objections to the planning application for the development can be summarised as follows:

Development Size and Impact on the Village:

Concerns that the development is too large for the size of the village.

Worries about the lack of infrastructure to support the influx of residents, especially considering the absence of a village shop, limited public transport, and no medical facilities.

Traffic and Access Issues:

The entrance to the site is located on a bend in the road, creating visibility and safety concerns.

Traffic calming measures west of the access road are causing traffic to enter the village on the wrong side of the road, which could lead to accidents.

School Capacity:

Concerns about whether the village school can accommodate the extra pupils from the development.

Sewer Problems:

Existing issues with the sewer system, including unpleasant odours.

Impact on Wildlife and Habitat:

Worries about the potential impact on local wildlife and the need to conduct a historical and wildlife survey before development.

Aesthetics and Conservation:

Concerns that the proposed buildings do not match the aesthetics of the existing village, especially the two-story house overlooking bungalows.

Preservation of hedgerows and their impact on visibility.

Public Consultation and COVID-19:

Objections to the lack of proper public consultation, especially during the COVID-19 pandemic, and requests for a deferred decision until public consultation can be conducted.

Infrastructure and Services:

Concerns about the inadequacy of the road system to handle additional traffic.

Lack of amenities and services in the village, including medical facilities and shops.

Conservation Area and Development Style:

Requests for the new development to be in keeping with the existing village style, with large gardens similar to those found in the northern part of the village.

Preservation of the village's character and conservation area.

Parking and Housing Density:

Concerns that the proposed parking spaces are insufficient, given the number of residents and likely multiple cars per household.

These objections collectively highlight the various concerns raised by residents regarding the proposed development, including its impact on the village's

infrastructure, traffic safety, environment, and aesthetics.

The letter of support for the application emphasizes the following points:

Urgency for Development:

Expresses a strong desire for the construction to begin promptly.

Current State of the Area:

Describes the existing site as a disgrace and an eyesore that has been neglected for a considerable time.

Need for Action:

Asserts that it's high time for something to be done about the site.

Traffic Safety Consideration:

Suggests that the development might provide an opportunity to address and mitigate traffic speed issues, potentially making the area safer.

Overall Support:

Concludes by expressing support for the application and encourages its approval to move forward with the development without delay.

The neutral comment on the application raises the following observations:

Suggests extending the date for consultation to March 2021 to allow for more comprehensive engagement with all concerned parties.

Expresses dissatisfaction with the level of communication from the companies involved, attributing the lack of effort to the COVID-19 situation but also considering it a convenient excuse.

Recommends that in a prominent Hamstone village, the houses along the road front should predominantly use Hamstone as the building material to maintain the village's character and heritage. Cites a previous instance where a building company changed materials mid-construction, which may have eroded trust with the community.

Raises concerns about the drainage overflow from the pond/wildlife area potentially flooding the land below and suggests reconsideration.

Expresses disappointment at the absence of solar roof tiles on the properties, considering it a missed opportunity given the importance of addressing climate change.

Advocates for larger garden sizes for the properties, especially since people may work from home more frequently and need more outdoor space for their mental well-being.

Suggests that contributions to local playing pitches and youth facilities could be satisfied by offering to rebuild the pavilion on the playing field, as it would benefit the youth club and the community as a whole.

OFFICER REPORT

Principle of Development

The principle of the development for 28 No. dwellings and details of access and layout is established by outline planning permission 16/04608/OUT). The details submitted with this reserved-matters application accord with the outline planning permission.

Affordable Housing and contributions to offsite sport and play facilities have been secured by way of s106 agreement at the outline stage.

The scope of this application is only to assess matters reserved for further approval at this stage by Condition 01 of the outline permission relating to appearance, landscaping and scale ('the reserved matters'), and Condition 05 which requires submission of a scheme of biodiversity enhancements at the reserved matters stage.

The outline planning permission includes the following conditions which will need to be addressed through the discharge of condition process in due course: 06 (badger survey update), 09 (floor levels), 12 (highway details), 13 (construction traffic management plan), 16 (highway condition survey) and 17 (footpath details).

Appearance and Scale

In terms of appearance, the proposed dwellings are considered to be in keeping with the character of Tintinhull. The proposals reflect discussions previously undertaken between with the local planning authority and the applicant in determining the layout at the outline planning stage. In this regard, Plot 5 reflects a traditional vernacular farmhouse with a number of converted outbuildings around it to create a rural feel on the edge of the village. The rest of the site is designed to reflect this rural character with buildings of traditional design, proportions and materials. The external materials comprise a mixture of reconstituted stone of Hamstone tones, mixed brown brick, stained timber cladding and slate/clay tiles which are considered acceptable subject to the approval of further details/samples.

The design proposals introduce visual difference between plots and result in an interesting and varied street scene that is congruous with the village character. The design has been developed to ensure there are views toward the open space areas

and to minimise impact on neighbouring dwellings. Houses on corners or turns have been designed to avoid blank facades.

The scale of buildings varies between 1 and 2-storeys. 11 No. single storey dwellings are situated in the most sensitive parts of the site where a reduction in scale is appropriate adjacent to existing bungalows on Head Street (Plots 1 - 4), in the western part of the site adjacent to the open fields (Plots 8-12) and in the north-east corner to safeguard the setting of listed building The Old Dairy House (Plots 16-17).

The levels of the application site are raised approximately 1m above adjoining road level and fall slightly from east to west. It is not considered that there will be any undue harm to neighbouring residential amenity due to overlooking, loss of light or overbearing impact. The separation distances between the proposed dwellings and neighbouring buildings are established by the layout approved by the outline permission. Where relationships with adjacent buildings is closer, this is satisfactorily addressed by the reduced scale of the proposed dwellings and the use of appropriate boundary treatments which can be conditioned.

A number of neighbouring properties that back onto or look toward the site will have a different outlook when the dwellings are constructed. The right to a view is not a material planning consideration and the principle/layout of the development is established by the outline planning permission.

Having regard to the above, the appearance and scale of the proposed buildings is considered to safeguard the character and amenities of the area and to preserve the setting of nearby heritage assets (including the conservation area) in accordance with Local Plan Policies SD1, SS2, EQ2 and EQ3.

Landscaping

A scheme of soft landscaping is proposed. The soft landscaping includes a mix of ornamental trees, native and wildlife friendly trees, amenity and structural planting, pond planting, hedge planting, planting of amenity grass and wetlands seed mix as well as wildflower mixes.

Boundary treatments around the site edge include the retention of existing native hedgerows and the introduction of additional native hedge planting. An intervening 1m maintenance strip is provided alongside the north and northeast boundary hedgerows for maintenance of the existing boundary hedgerows. The retention of the southern boundary hedgerow and existing tree group in the southwest corner will help the proposals successfully integrate into the street scene. A condition is proposed to ensure that the detailed landscaping proposals are implemented and maintained in

the interest of landscape character in accordance with Local Plan Policy EQ2.

Ecology

The SCC Ecologist has raised no objections to the biodiversity enhancement scheme submitted to discharge of Condition 05 of the outline permission.

A series of ecology surveys (preliminary ecological appraisal and Phase 2 reptile survey) were carried out in 2016 to provide baseline information for the site and to assess potential impacts to ecological features. The reports associated with these surveys formed part of the documentation with the outline application. As a result, a Biodiversity Enhancement Scheme has been devised and the detailed site design includes a number of features to enhance the proposed development with regards to biodiversity. The included features are:

- Built in bird boxes
- Built in bat boxes
- Inclusion of bee bricks
- Gravel boards with integrated hedgehogs access

These features are considered to be suitable measures for increasing biodiversity on the site and a directional condition is proposed to ensure all biodiversity features listed in the Ecology Strategy Plan and shown on plans are provided. The scheme is therefore compliant with Policy EQ4.

Other Matters:

Highway Safety

The County Highway Authority and SSDC Highway Consultant has raised no objection to the proposals. The access and highways layout were considered by them in detail at the outline planning stage and found to be acceptable. The access repeats the access details approved by the outline permission with the necessary visibility splays provided onto Head Street. A footpath will be provided across the frontage of the site to link with the existing Public Right of Way to the west and St Margret's footpath to the east. This provides pedestrians with options regarding the route of their journey and for reasons of safety is likely to be preferable to walking alongside Head Street. Parking provision is compliant with the SCC Parking Strategy and Policy TA6. Garages have been designed to be 3m x 6m internally which is large enough to accommodate modern cars and reflects local policy.

Flood risk and Drainage

Drainage Condition 8 was discharged in February 2020. Providing that the approved drainage/SUDS scheme is implemented in accordance with the approved details the development would be served by a suitable drainage strategy in accordance with the Policy EQ2 and the NPPF.

Affordable Housing

The application is in accordance with the affordable housing requirements of the Section 106 agreement accompanying the outline planning permission. The proposal includes 10 (35%) affordable homes with a tenure split between Shared Ownership and Affordable rent. The affordable homes are located within the north-eastern part of the development pepper-potted within three small groups.

Phosphates

The applicant has calculated the phosphate load arising from the development and has submitted these calculations to the Local Planning Authority.

The mitigation proposed is that foul water from the properties shall be discharged to an adoptable Package Treatment Plant (PTP) which incorporates chemical dosing to provide significantly enhanced phosphorus removal. The Package Treatment Plant (PTP) to be installed is a Kingspan Klargester BioDisc, (chemically dosed but managed by Albion water). The remaining phosphorous will be dealt with using a treatment train of filter beds. With this mitigation in place, the resultant TP load of the development is -0.01kgTP/ yr.

Based on the above, SES conclude that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation subject to the following Section 106's & Conditions being secured:
S106 agreement

The following will be secured by S106 agreement:

- Provision of adoption agreement by an OWFAT (in this case, Albion Water)
- Long-term maintenance and management scheme for the SuDS treatment train, to include legal and financial mechanisms.

Conditions:

Drainage - Foul (Compliance) - Condition

The approved development shall only be carried out in accordance with the approved documents: Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) - EnvirEn, April 25th 2023 Shadow Habitats Regulation Assessment (sHRA) - EnvirEn,

April 27th 2023

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy in accordance with Policy EQ4 of the South Somerset District Local Plan.

In conclusion the Council has undertaken the necessary Habitats Regulation Assessment which concludes there will be no likely significant effect upon the integrity of the Somerset Levels and Moors Ramsar site subject to this mitigation being undertaken. The sHRA has been endorsed by Somerset Ecology Services and Natural England.

Public and Parish Comments

Many of the objections raised by the Parish Council and neighbouring residents relate to matters already determined by the outline planning permission and which fall outside of the scope of this reserved matters application which relates only to consideration of appearance, landscaping, scale and biodiversity enhancement. Where objections have been received which relate to the reserved matters it is considered that the scheme is acceptable in this regard as set out within this report.

Conclusion

The proposal by reason of the appearance, landscaping and scale, is acceptable as it respects the character of the site and its surroundings and will have no detrimental impact on residential amenity, heritage assets, highway safety or ecological interests. It will additionally provide opportunities for ecological biodiversity. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS2, TA6, EQ2, EQ3, and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

It is recommended that the reserved matters are approved, subject to:

The imposition of suitable conditions, and

Satisfactory completion of a legal agreement to mitigate the impact of phosphates upon the Somerset Levels and Moors Ramsar site to secure the installation and

permanent maintenance of the phosphate mitigation strategy:

- Provision of adoption agreement by an OWFAT (in this case, Albion Water)
- Long-term maintenance and management scheme for the SuDS treatment train, to include legal and financial mechanisms.

01. The proposal by reason of the appearance, landscaping and scale, is acceptable as it respects the character of the site and its surroundings and will have no detrimental impact on residential amenity, heritage assets, highway safety or ecological interests. It will additionally provide opportunities for ecological biodiversity. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS2, TA6, EQ2, EQ3, and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF, therefore Condition 01 and Condition 05 of the outline planning permission are considered discharged.

SUBJECT TO THE FOLLOWING:

01. The development shall be carried out in accordance with the following plans and details:

- 1 Location Plan
- 2 Proposed Site Plan Rev B
- 101 Plots 1 + 2 Floor Plans Rev A
- 102 Plots 1 + 2 Elevations Rev A
- 103 Plots 3 + 4 Floor Plans Rev A
- 104 Plots 3 + 4 Elevations Rev A
- 105 Plot 5 Floor Plans Rev B
- 106 Plot 5 Elevations Rev A
- 107 Plots 6 + 7 Floor Plans Rev A
- 108 Plots 6 + 7 Elevations 01
- 109 Plots 6 + 7 Elevations 02 Rev A
- 110 Plots 8 - 12 Floor Plans Rev B
- 111 Plots 8 - 12 Elevations Rev A
- 112 Plots 13 + 14 Floor Plans Rev A
- 113 Plots 13 + 14 Elevations Rev A
- 114 Plots 16 + 17 and 27 + 28 Floor Plans
- 115 Plots 16 + 17 and 27 + 28 Elevations
- 116 Plots 18 + 22 - 24 Floor Plans Rev A
- 117 Plots 18 + 22 - 24 Elevations 01 Rev A
- 118 Plots 18 + 22 - 24 Elevations 02 Rev A
- 119 Plots 19 - 21 Floor Plans RevA
- 120 Plots 19 - 21 Elevations 01 Rev A

121 Plots 25 + 26 Floor Plans
122 Plots 25 + 26 Elevations RevA
123 Plot 15 Floor Plans
124 Plot 15 Elevations
125 Plots 19 - 21 Elevations 02
201 Plots 1 + 2 Roof Plan
202 Plots 3 + 4 Roof Plan
203 Plot 5 Roof Plan
204 Plots 6 + 7 Roof Plan
205 Plots 8 - 12 Roof Plan
206 Plots 13 + 14 Roof Plan
207 Plot 15 Roof Plan
208 Plots 16 + 17 and 27 + 28 Roof Plan
209 Plots 18 + 22 - 24 Roof Plan
210 Plots 19 - 21 Roof Plan
211 Plots 25 + 26 Roof Plan
301 Garage 01 Floor Plans + Elevations
302 Garage 02 Floor Plans + Elevations
303 Garage 03 Floor Plans + Elevations
401 Street Scene A-A

REASON: For the avoidance of doubt

02. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: In the interests of the visual amenity in accordance with policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

03. Prior to the occupation of any dwelling hereby permitted, details of all boundary treatments together with a programme for their implementation shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall accord with the approved Biodiversity Enhancement Scheme dated 14th July 2020. The approved boundary treatments shall be thereafter by installed in accordance with the approved details.

REASON: In the interests of the visual and residential amenities of the area and biodiversity interests in accordance with Policies EQ2 and EQ4 of the South Somerset District Local Plan.

04. The measures included within the approved Biodiversity Enhancement Scheme dated 14th July 2020 shall be installed prior to the occupation of the individual dwellings to which they relate. Thereafter such measures shall be retained and maintained in situ and shall not be removed without the prior written approval of the local planning authority.

REASON: In the interests of the biodiversity enhancements in accordance with policies EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

05. The approved development shall only be carried out in accordance with the approved documents:
Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) - EnvirEn, April 25th 2023
Shadow Habitats Regulation Assessment (sHRA) - EnvirEn, April 27th 2023

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy in accordance with Policy EQ4 of the South Somerset District Local Plan.

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

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

07. Where external lighting is to be installed, prior to construction above damp-proof course level, 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 so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. Lux levels should be below 0.5 Lux and the hedgerows/trees shall not be lit. 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 of the South Somerset District Council Local Plan.

08. No removal of hedgerows, trees, or scrub shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

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

09. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed, and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles/amphibians that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained

at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

10. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority and the measures shall be maintained throughout the construction period.

Reason: In the interests of European and UK protected species and biodiversity generally and in accordance with EQ4 of the South Somerset District Council Local Plan.

11. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority and the measures shall be maintained throughout the construction period.

Reason: In the interests of European and UK protected species and biodiversity generally and in accordance with EQ4 of the South Somerset District Council Local Plan.

12. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the South Somerset Local Plan Policy EQ1 and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

Informatives:

01. The development should be carried out in accordance with the conditions above, and the relevant conditions on outline planning permission reference 16/04608/OUT.
 02. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated 9th October 2017.
 03. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Somerset Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Somerset Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.
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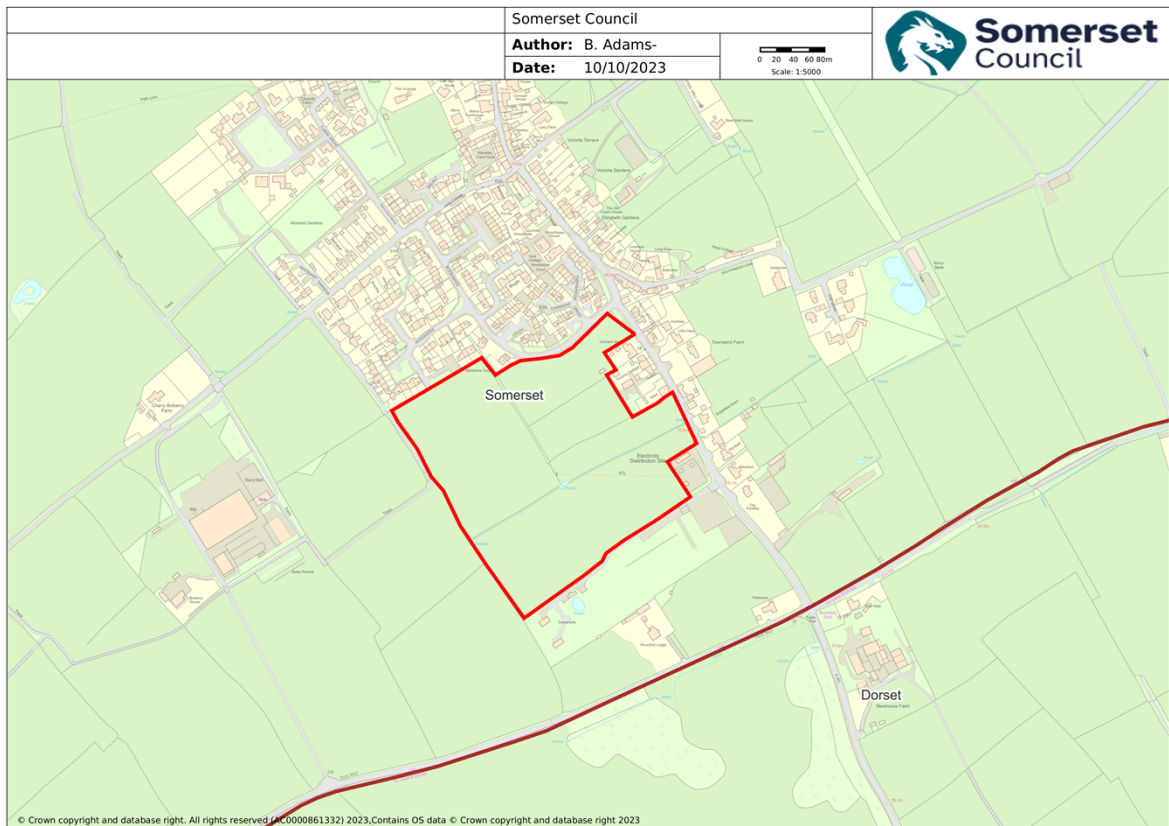
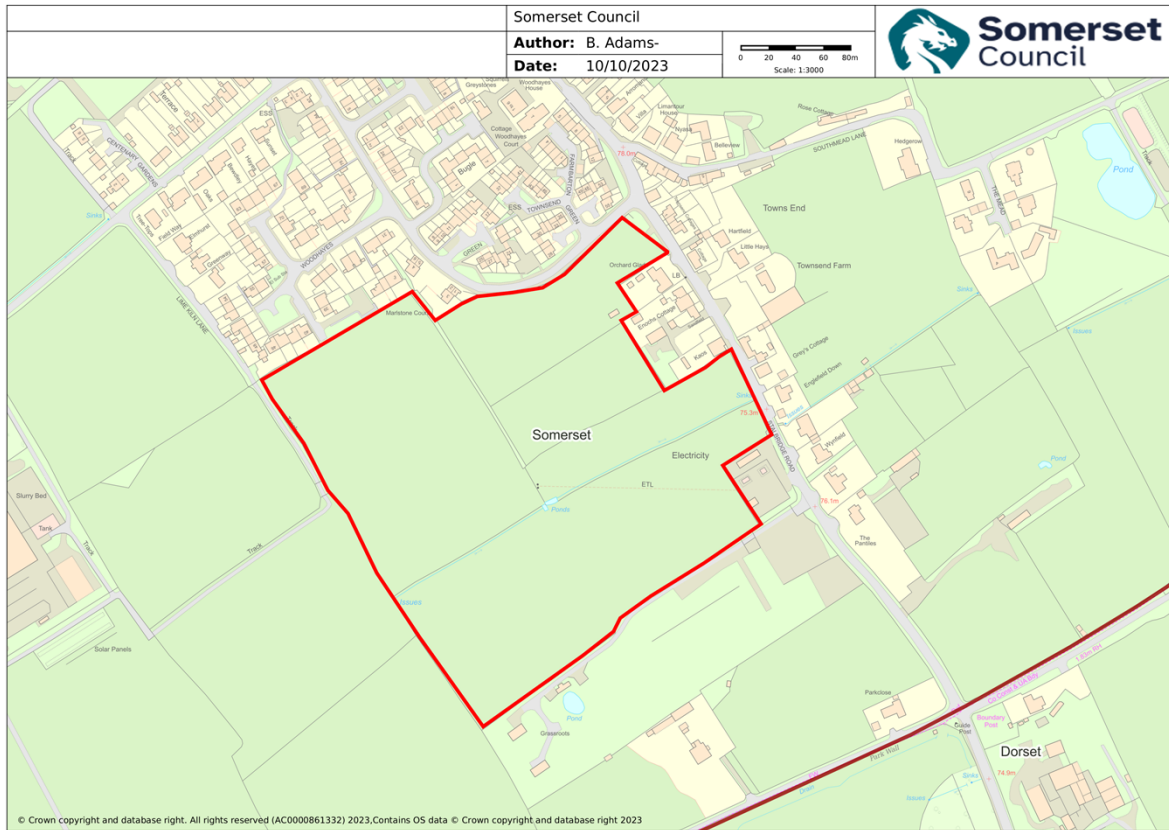
Officer Report On Planning Application: 22/02240/S73

Proposal :	S73 application to vary Condition 10 point iii (scheme for pedestrian improvements) of Condition 10 of Approval 17/03029/OUT (Inspectorate ref: APP/R3325/W/18/3197690) for the Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way.
Site Address:	Land Os 5439 Part, Townsend Green, Henstridge, Templecombe, Somerset, BA8 0RG
Parish:	Henstridge
BLACKMOOR VALE Division	Cllr Nicola Clark Cllr Sarah Dyke
Recommending Case Officer:	Catherine Pearce (Specialist)
Target date :	31st October 2022
Applicant :	Daniel Barwick
Agent: (no agent if blank)	Mr John-Rhys Davies 22 Cathedral Road, Cardiff CF119LJ
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

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

BACKGROUND AND PROPOSALS



This application seeks to amend the requirements of condition 10 point (iii) which was included on the appeal decision notice in relation to the provision of off-site highway works in relation to the outline planning permission for up to 130 dwellings at Woodhayes Way in Henstridge.

Outline planning permission was allowed at appeal for the construction of up to 130 dwellings with public open space, landscaping, sustainable drainage systems (SuDS) and vehicular access point from Woodhayes Way on 18th November 2018, under application 17/03029/OUT.

A subsequent Reserved Matters application (21/03369/REM) for the approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure was Approved with conditions on 19th May 2022.

The outline planning application was originally refused by SSDC's East Area Committee on 20th October 2017, on the grounds of the proposed development being out of scale with the existing village, and that the proposed development 'fails to secure safe and convenient access, on foot, cycle and by public and private transport that addresses the needs of all, to key local facilities and services' contrary to policy TA5 of the South Somerset Local Plan.

The applicants subsequently appealed against the refusal of outline planning permission, and as part of their appeal submission included the provision of off-site highway works on Furge Grove and along the High Street through the village including the provision of a 'pedestrian footpath link' created by narrowing the carriageway width to a single carriageway, controlled through traffic signals. The proposed draft scheme was independently assessed under a Stage 1 Road Safety Audit, which did not raise any major issues, subject to a number of detailed design changes which were taken on board. On this basis the LPA withdrew the second refusal reason for the application.

During the determination of the application and consideration of the appeal at a Public Inquiry, highway safety as a result of the proposed development was cited as one of the three main issues which was addressed at some length by the Inspector. He identified that the scheme for off-site pedestrian improvement works submitted by the appellants *"would include provision of a footway of 1.8m width along High Street to the north of its junction with Marsh Lane. As this would narrow the carriageway to a single lane the scheme includes new traffic signals to ensure one-way traffic through that section of the road. This scheme would provide for*

*continuous pedestrian access through the village". However, he did not assess the proposed scheme for its compliance with technical requirements. He later identified (in paragraph 24) that *the works are necessary in the interest of ensuring public safety and enabling sustainable travel to support local facilities. Policy TA5 of the Local Plan requires new development to address its own transport implications and to maximise the potential for sustainable transport. The pedestrian improvement works would be necessary to ensure that the proposals accords with that policy.*" and this point was reiterated when outlining the conditions to be attached to the outline consent, with the Inspector stating that *"I have found that the pedestrian improvement works shown on the plans would be necessary on the interest of highway safety and accessibility and have imposed a condition accordingly"*.*

On this basis, condition 10 was imposed that required the following:

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

- i) dropped kerbs and tactile paving at the following junctions:
 - Woodhayes Way/A357 Stalbridge Road
 - Woodhayes/Townsend Green
 - Woodhayes/Bugle Court
 - Woodhayes (Marlstone Court)
 - Woodhayes/Furge Lane
 - Furge Lane opposite Furge Grove.

- ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:
 - Junction Furge Lane/Furge Grove
 - Junction Church Street/A357; and

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

The covering letter from Barrat David Wilson Homes outlines that since the approval of the outline planning application and subsequent reserved matters, and following further technical reviews and safety audits it has become apparent that the scheme including the provision of traffic lights on the junction of the A357 and Furge Lane, to

create a single width carriageway to facilitate the construction of a raised pavement along the High Street would be unfeasible for a number of technical and practical reasons such as (but not limited to) the various ground levels preventing the construction of a correctly specified footway, and the layout of the A357/Furge Lane junction preventing the safe installation of traffic lights. The covering letter from Barratt David Wilson Homes outlines the most recent Highways Safety Advice Report undertaken by the Highways authority identified 8 Health & Safety risks to the public from the proposed scheme., and this has been confirmed by the Highways Authority. In addition, the application includes correspondence from the A357 Group who objected to the particulars of the scheme, during the reserved matters application.

On this basis, and mindful of their obligations to provide pedestrian infrastructure improvements, the applicants have looked at a variety of different alternatives that would still provide improved pedestrian safety which can be provided within the constraints of the existing High Street and surrounding roads, rather than delete the condition in its entirety. This has included several discussions with the Highways Authority, including several audits of previous versions of the proposed scheme to establish what would be technically possible to achieve before submitting drawings as formal amendments to the Local Planning Authority.

Rather than remove section (iii) of the condition and their obligation to improve highway safety, the current application therefore seeks to amend the wording of condition 10 (iii) to enable a feasible alternative to the originally proposed scheme for a pedestrian footway (which does not include a raised footway and traffic lights) to be provided.

The detail required by condition 10 (i) and (ii) remains unaltered, but the applicants request that section (iii) of condition 10 should now read as follows:

iii) improvements to the A357 High Street generally in accordance with plan Ref. P17033-06501-402-402-01E.

Plans and drawings have been submitted with a scheme which provides a pedestrian footway (although not a raised pavement as previously agreed) to meet the requirements of the Inspectors condition for a 'footway', and with a priority system on the A357 to replace the previously agreed traffic lights. During the course of the application, the plans have been subject to a number of further small amendments, which have all been notified to the local residents due to the level of public interest and concerns with the proposals.

The proposed works include carriageway narrowing as part of a proposed priority

system between Marsh Lane/Furge Lane and the High Street as well as new 20mph signage throughout. The southernmost yellow box will be located approximately 55 metres to the north of the junction of Furge Lane and the High Street on the northbound carriageway. It will measure approximately 55metres long. On the former southbound carriageway, a physical buildout will be included around the existing pedestrian route. Approximately 21 metres north a second yellow box will be installed on the southbound carriageway, measuring approximately 27 metres in length. There will also be a buildout in the former northbound carriageway to reinforce the single width carriageway.

Members should be reminded that the site already benefits from extant permissions for residential development of up to 130 dwellings through the outline and reserved matters permissions which have been granted and that subject to the discharge of the outstanding conditions, remain extant. This application does not revisit the principle of development etc, but purely relates to the variation of condition 10 of the outline planning permission in respect of off-site highway works.

RELEVANT PLANNING HISTORY

- 23/01035/DOC1 - Discharge of Condition No. 8 (Surface Water Drainage) of Planning Application 17/03029/OUT (Granted at Appeal 20.11.18) - Not yet discharged
- 23/01034/DOC1 - Discharge of Condition 7 (Tree & Hedgerow Protection) for outline Planning Application 17/03029/OUT (Granted at Appeal 20.11.2018) - Condition Discharged 19th July 2023
- 23/01033/DOC1 - Discharge of Condition No.11 (Highway Drainage) of Planning Application 21/03369/REM - Not yet discharged
- 23/01032/NMA - Non-Material Amendment to approved application 21/03369/REM for the revision to approved materials - Application Permitted 6th July 2023
- 22/02242/DOC1 - Discharge of Conditions No.3 (Lighting), No.4 (Highway Details) and No.5 (Highway Survey) for Planning Application 21/03369/REM - Not yet discharged
- 22/02241/DOC1 - Discharge of Conditions no 9 (Construction Management Plan) and No.11 (Footway) for Planning Application 17/03029/OUT - Conditions discharged 23rd August 2022
- 22/01076/ROW - Footpath Diversion WN 12/25 - Permitted 7th September 2023
- 22/00305/HDG - Removal of Hedgerow as per Planning Application 21/03369/REM - Permitted 18th February 2022
- 21/03369/REM - Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for

construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure - Approved with conditions 19/05/2022.

- 18/00015/REF (Appeal Against Refusal of 17/03029/OUT) - Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way - Appeal Allowed subject to conditions - 20th November 2018
- 17/03029/OUT - Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way - Refused - 12th January 2018
- 17/03005/EIASS -EIA Screening and Scoping Request for Residential development for up to 130 No. dwellings, public open space, engineering works and vehicular access - EIA not required - 26th July 2017.

POLICY

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.

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure delivery

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

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

Neighbourhood Plan

The parish of Henstridge does not currently have a formal Neighbourhood Plan, but has a Parish Plan which was published in June 2015.

National Planning Policy Framework - July 2021

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

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

Other Relevant Documents

Planning Practice Guidance

National Design Guide - September 2019

Somerset County Council Parking Strategy (SPS) - September 2013

Somerset County Council Highways Standing Advice - STAN 26/22 v 3

South Somerset District Council, Five-Year Housing Land Supply Paper, November 2022

South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021

CONSULTATIONS

This application has been subject to several consultations on both the originally submitted plans from August 2022 and the subsequent amendments. Full copies of the consultee comments are available to view on the online planning file but are summarised below.

Henstridge Parish Council

8th September 2022

Henstridge Parish Council objects to the S73 on the grounds that it eliminates any mitigating conditions intended to benefit the village.

These conditions were for the safety of pedestrians, current and future, walking in Henstridge High St. That safety was a crucial part of the appeal Inspector's report, and it was those conditions [10 iii] that allowed the development to proceed, overturning an unanimous refusal earlier in the same year 2018.

Henstridge Parish Council requests the planning department demands the developers to find ways to successfully and significantly improve pedestrian safety

before they are given full planning permission to start building. And no occupation of houses until such a scheme has been fully implemented.

The developers should work with our HPC, local residents, planners and County Highways - both Somerset and Dorset as we live right on the border - to reach a realistic outcome. And failing this should be refused any further permission to continue this housing estate.

7th December 2022

Henstridge Parish Council has been invited by South Somerset District Council to comment on an S73 application to vary Condition 10 point iii (scheme for pedestrian improvements), and to also discharge points i and ii of Condition 10 of Approval 17/03029/OUT for the Outline planning application for up to 130 dwellings. The application consists of drawings without any explanatory text.

Following an Appeal enquiry held between 25 and 27 September 2018 the Inspector's Appeal Decision (APP/R3325/W/18/317690) stated:

The Council (South Somerset District Council) and the appellant (Gladman Developments Ltd) had [...] reached agreement regarding highway safety matters []. This is subject to imposition of a condition requiring improvements to footway provision in the village. (Paragraph 4.).

Highway safety was highlighted by the Inspector as a main issue in the appeal (Paragraph 6. Iii)

The appellant has also submitted schemes for improvement of pedestrian facilities along the A357 in Henstridge and on Furge Grove. The Council is now satisfied that the proposal would not be harmful to highway safety subject to provision of those improvements (Paragraph 21).

A section of the A357 High Street, where front doors of houses open directly onto the road has no safe pedestrian access (Paragraph 22). The scheme of pedestrian improvements would include provision of a footway of 1.8m width along High Street to the north of its junction with Marsh Lane (Paragraph 23).

The works are necessary in the interest of ensuring pedestrian safety and enabling sustainable travel to support local facilities. Policy TA5 of the LP requires new development to address its own transport implications and to maximise the potential for sustainable transport. The pedestrian improvement works would be necessary to ensure the proposal accords with that policy (Paragraph 24).

The Inspector found that the pedestrian improvement works mentioned in Paragraph

4 of his decision "would be necessary in the interests of highway safety and accessibility.." (Paragraph 45).

Henstridge Parish Council understands that the current applicant (Barratt David Wilson) and Somerset County Council have concluded that the highway scheme agreed between South Somerset District Council and Gladman in 2018 is not viable and strongly supports this judgement.

The plans submitted for comment by way of the S73 application contain some positive aspects, for example the 20mph speed limit in the High Street, the 2metre altered road surface at each entrance to the High Street and the No Entry sign to Church Street.

However, the scheme for yellow boxes will cause frequent gridlocks. Visibility at either end of the southerly yellow box is inadequate, the northern yellow box will cause traffic to wait outside the shop entrance (The developer's original application for 130 houses promoted the village shop as one of the few services in the village.). These gridlocks will divert traffic on to the pedestrian routes using the back streets (Woodhayes, Furge Grove and Church Street), making pedestrian safety worse.

No evidence has been produced to show that the safety of traffic and pedestrians, if the S73 proposals are implemented, would match the requirements of the Appeal Decision.

Henstridge Parish Council concludes that the improvements in highway and pedestrian safety specified as conditions in the granting of Approval 17/03029/OUT will not be met by 22/02240/S73 and urges Refusal.

31st January 2023

Henstridge Parish Council resolved to OBJECT at a full council meeting held on the 31st January 2023.

The amended proposal moves the northern Give Way location slightly south, but the applicant (Jonathan Ingsley's email 19 January, 10:19) concedes that the adjusted vehicle tracking is "very tight". There is no assurance that through traffic can pass stationary traffic waiting at the Give Way while maintaining a satisfactory level of pedestrian safety.

Therefore, Henstridge Parish Council does not believe, based on this assessment, that the object of Condition 10 iii (to make the High Street a safer place for pedestrians) would be met by the S73 proposal, as amended.

30th July 2023

Henstridge Parish Council recommends refusal of the above application for the following reasons:

The S73 has dropped pedestrian safety in the Henstridge High Street, A357 and no explanation of the latest proposals has been provided.

This (S73) application does not demonstrate that the condition, imposed at the 2018 appeal hearing (APP/R3325/W/18/3197690), on the safety of all road users can be achieved.

Highway Authority

8th December 2022

To be considered further.

15th December 2022

I have now heard back from the Senior Road Safety Officer regarding the proposed highway works as shown on the latest plan 501-402-01 rev C. Unfortunately, they are unable to fully assess this plan as no carriageway widths or swept path analysis has been provided.

Obviously, with the level of feeling in the village, any recommendation provided by the Highway Authority in response to this s73 application should be robust and based on comprehensive assessments of the submitted information.

In this regard, the developer should provide us with a full set of drawings based on topographic surveys and not OS Map overlays, which include the dimensions of the carriageway, and a swept path drawing covering the different movements for the largest vehicle to use the road.

On receipt of this, we will then be able to undertake further assessment.

16th January 2023

Apologies for the delays in getting comments back on this, but I have now heard from my assessors who have made the following comments.

The submitted swept path analysis shows that larger vehicles are able to negotiate the priority system without overrunning kerbs. However, it is noted that vehicles will encroach into the opposing traffic lane before the give-way line. This could lead to a 16.5m long articulated vehicle waiting at the give-way line and obstructing traffic

travelling in the opposite direction.

Having regard to the number of larger vehicles which use the road through Henstridge, the risk of this situation occurring is greater than on many other roads in the County.

The Highway Authority therefore would ask for the scheme to be amended to remove the risk of obstructed traffic causing a hindrance to through-flow of traffic, or conflict between vehicles especially as the purpose of this scheme is to improve matters for pedestrians and, as shown, it will lead to vehicles potentially trying to 'squeeze' through which will bring vehicles into conflict with the increase level of pedestrian traffic.

On receipt of an amended scheme which removes the conflict, and can be shown as such on a new tracking drawing, further consideration can be given.

13th February 2023

To be considered further

28th February 2023

No Objection subject to conditions and/or S106 obligations detailed below:

This application aims to discharge items 'i' and 'ii' from the original condition and amend item 'iii' to ensure any highway works undertaken to improve the pedestrian environment in the centre of the village is feasible and not going to cause a user safety issue.

The original condition is worded as follows:

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

The submitted scheme shall have regard to the following:

- i) dropped kerbs and tactile paving at the following junctions:
 - Woodhayes Way/A357 Stalbridge Road
 - Woodhayes/Townsend Green
 - Woodhayes/Bugle Court
 - Woodhayes (Marlstone Court)
 - Woodhayes/Furge Lane
 - Furge Lane opposite Furge Grove;

- ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:
 - Junction Furge Lane/Furge Grove
 - Junction Church Street/A357; and
- iii) a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane/Marsh Lane generally in accordance with plan Ref. P17033-06-01E.

As previously discovered the Planning Inspectors requirements were not feasible and would have create a major safety issue for highway users within the village.

For items 'i' and 'ii'

The discharge of the condition is reliant on details being presented and approved in writing.

The Local Planning Authority are the deciding authority on applications for planning consent, but they do not approve works within the highway. The mechanism whereby works within or directly adjacent to the highway are assessed and approved as being within current policy standards is contained within the legal process under s278 Highways Act 1980 which is led by this Authority.

As the s278 process has yet to be concluded, no approval of the details submitted has been granted and as such this Authority would request the discharge of items 'i' and 'ii' is refused.

On receipt of confirmation that the s278 Agreement technical approval has been granted this matter will be considered again.

For item 'iii'

Following further negotiation and liaison updated plans for a scheme to improve the highway infrastructure through the village have been provided. These are numbered as S278 Works, Sheet 1 (501-402-01 E), and Vehicle Tracking (501-402-04 C).

The works which include carriageway narrowing as part of a proposed priority system between Marsh Lane/Furge Lane and the High Street as well as new 20mph signage throughout, have been audited for feasibility and are generally acceptable in principle.

However, during the course of a s278 Agreement process, the following matters will need formal assessment and agreement prior to full technical approval being granted:

- It is noted that the swept path appears to show HGVs overrunning the kerblines of

the southern priority system. However, it is not entirely certain that this is the actual kerbline. If HGVs do indeed overrun here then the design should be amended to remove this issue.

Clarification is required.

- Visibility splays and forward visibility throughout the scheme
- Cross and Longitudinal Sections
- Surfacing materials
- Drainage systems
- Lighting scheme
- Kerbs, Lines, and Signs

Conditions/Reasons for refusal:

For items 'i' and 'ii' - As no s278 Agreement technical approval has yet been granted these matters should not be discharged.

For item 'iii' - In the event of permission being granted, the wording of item 'iii' should be amended to

" iii - A scheme of carriageway narrowing as part of a proposed priority system between Marsh Lane/Furge Lane and the High Street as well as new 20mph signage throughout as detailed on plans S278 Works, Sheet 1 (501-402-01 E), and Vehicle Tracking (501-402-04 C)".

29th June 2023

It is noted that an amended proposal is now presented which removes the discharge of 10i, and 10ii, from the application.

Regarding the amendments presented for condition 10iii, this Authority is content that the comments made previously cover this scheme as now presented and no further comments are required.

REPRESENTATIONS

Initially, 60 letters were sent out notifying local residents of the above application. A total of 252 objections have been received all together, split across the various sets of plans and amended plans. All copies of the representations are available to view on the council's website, however, the main objections have been summarised below, in no particular order.

In response to the original plans submitted with the original application, a total of 65 objections were received, which raised the following points:

1. There is currently no completely safe route through the village for pedestrians, either along the High Street, or the 'back route' of Woodhayes, Furge Grove and Church Street. Therefore, this condition cannot be deferred, as there would be no other opportunity to resolve the already dangerous situation for pedestrians.
2. The Inspector made it clear that permission for the development of up to 130 houses could only go ahead if strong safety conditions and other mitigation arrangements for the residents of the village were put in place before development could begin, hence the requirements of condition 10. To brush these aside would make a mockery of the whole process. If the requirements of the condition cannot be met (for any reason) and pedestrian safety cannot be suitably protected / improved as required, then the proposed development should not be allowed to go ahead.
3. The existing A357 through the village is not suitable for 'modern' sizes of vehicles (such as HGV's) or levels of traffic, in terms of width, lack of pavement, idling engines causing noise and fumes, buildings being hit, flooding of dwellings etc. To add to traffic using this unsuitable road either because of the construction period or subsequent new residents is unacceptable.
4. There is no justification as to why compliance with the condition is no longer required or possible. It appears to be for financial gain for the developers, rather than having to comply with the (presumed) costly requirements of the condition.
5. Whilst many representations acknowledge that the proposed traffic light solution is unworkable, the developers must provide an alternative scheme that equally protects residents, rather than trying to absolve themselves of their responsibilities.
6. The idea of building the housing estate without the necessary infrastructure in place is unacceptable. The village does not have suitable levels of infrastructure (A single shop, no school places, no Drs Surgery etc) to support the development and therefore the principle of residential development should be refused. If the proposed development cannot provide the necessary approved infrastructure, it should not be allowed to go ahead.
7. Since the Inspector allowed the appeal (with condition 10), traffic levels have increased significantly, further justifying the requirement for the condition, and further permissions for additional residential development in the surrounding area have been granted. The condition was required to benefit the village to

outweigh the potential harm caused by the size and scale of the development, and this has not changed, only increased.

8. Several objections have provided examples of when residents have been placed in dangerous situations due to the existing traffic conditions.
9. The only sensible solution to improve pedestrian safety for villagers is to build pavements on either one or both sides of the carriageway, and re-direct HGV's on a permanent basis around Camp Road / Landshire Lane, in connection with pedestrian safety improvements along the High Street. This has already been agreed in relation to construction vehicles from the proposed development, so in principle it should be achievable. If the developers are open to discussions with 3rd parties (which is questioned in other objections), why can't this option be pursued and funded by the developers.
10. The restriction of HGV's using the route should be explored, but this should not include emergency vehicles. Other suggestions include the declassification of the A road, the installation of speed reduction measures / traffic calming, or a 20mph speed limit which would all help to remove the larger vehicles (including HGV's and agricultural vehicles) from the High Street.
11. The payment of a commuted sum rather than dealing with the issues outlined by the Planning Inspectorate is not acceptable (particularly given the Inspectors comments during the appeal) - the developers cannot simply walk away from this issue. If this option were to be accepted by the Highway Authority, it should be of a value of at least equivalent to the value of the approved works, and paid prior to commencement of development.
12. The proposed yellow box scheme will not work due to the restricted width of the carriageway involved, and therefore residents have concerns about access for emergency vehicles, delivery vehicles etc.
13. The proposed revised scheme does nothing to improve pedestrian safety (as required by the conditions) - in fact, the proposals are likely to significantly reduce pedestrian safety along the stretch of road as there will be no physical refuge (such as pavements) for pedestrians.
14. The proposed changes (such as yellow boxes painted on the road) will have a detrimental visual effect on the surrounding area (including the Conservation Area which covers part of the High Street) and not in keeping with the character of the village.

15. The request to vary and discharge the condition will have no benefit, so the application should be refused in its entirety, as the proposals have faced considerable opposition, (with regards to traffic and infrastructure/facilities) and any attempt to force through this application would be undemocratic, and should there be a subsequent Road Traffic Accident, might raise issues or moral and legal liability.
16. The proposed amendments to the scheme have not been supported by a suitable independent safety audit. Concerns have been raised about the potential for future accidents involving significant injuries or worse - death.
17. Regardless of the outcome of this application, Somerset County Highways should work with all parties, including the adjoining Highway Authority in Dorset and the developers to find an acceptable solution to reducing the volume and size of vehicles using the A357 through Henstridge. If necessary, this should also include seeking central government money to fund such development.

There have also been 2 letters making 'mixed' comments regarding the details of the proposed amendments (as the proposed traffic light solution originally proposed is considered unacceptable) but objecting to the principle of development overall.

Amended Plans dated 1st December 2023

A further 67 representations were received in respect of the amended plans submitted by the applicants on 1st December 2023. The main points are summarised as follows:

1. Do not object to the principle of some new development in the area so this objection is not simply NIMBYism.
2. Object to the proposed development in its entirety due to the level of generated, drainage / sewerage, school places etc. It will not create long term employment in the area, only during the construction period. In addition, damage has already occurred to existing Flora and Fauna on the site when the existing trees were removed.
3. Pedestrian safety is paramount, and resolution of that issue was the only reason the appeal was allowed - i.e. the provision of a pavement along the length of the high street to allow pedestrians to navigate safely to the school, church, village shop and post office. The Planning Inspector rightly required a high level of

mitigation for the proposed development when allowing the appeal, and the revised proposals do not go far enough. If the developers cannot provide suitable mitigation, the proposed development should not be allowed to go ahead.

4. The developers should not be allowed to buy their way out of complying with the conditions and their responsibilities, simply because it is too difficult.
5. The proposed development would be unsustainable without improving pedestrian safety. There will be a number of sections of the High Street which will remain without a pavement, and the proposals do nothing to resolve that, instead, simply adding to the footfall using the route.
6. Please don't forget other potentially vulnerable users such as cyclists and horse riders.
7. These proposals appear to be purely a desk-based design and are not based on the actual site circumstances. There is no commentary or explanation to accompany the plans.
8. Acknowledge that there has been some effort to improve pedestrian safety, such as the 20mph speed limit, but do not consider that the revised proposals are acceptable and go far enough. What is the purpose of block paving at the entrance to the works - which will cause additional noise, vibration and exhaust fumes, but at the same time will not make it easier for pedestrians to cross.
9. The existing High Street cannot support the current levels of traffic (let alone the proposed traffic) and result in vehicles often mounting the existing sections of pavement or passing in extreme proximity to the front of the properties that face onto the road. However, generally the traffic manages to negotiate the existing narrow sections, without adding additional traffic calming measures which would only seek to confuse things.
10. The proposed solution to replace the unworkable traffic lights originally proposed is no more effective or workable as the proposed 'yellow boxes' are unlikely to be effective due to the narrow widths and sightlines of the High Street at these points. It is acknowledged that in some areas of the route, two large vehicles would struggle to pass one another without potential conflict with pedestrians. It also does not take into account the private driveways which enter the high street within these sections.

11. The length of the section of 'yellow boxes' including the waiting area between them is also inadequate, meaning that only a few cars will be able to wait in the sections between them (with idling engines causing noise and fumes). In addition, the poor visibility between them, particularly the southern 'box' will likely result in potential conflict between vehicles which will not be able to see whether it is clear to proceed, and the priority system would create a situation where cars accelerate and/or stop and race away, and will exacerbate many of the existing problems which the High Street already faces, will result in gridlock within the village and will not improve pedestrian safety. In addition, the length of the yellow boxes will result in drivers breaching the highway code as they will not be able to enter and leave the boxes in one move.
12. The proposed yellow box scheme does not take into account the vehicles which will continue to stop in the High Street for unloading, deliveries etc.
13. Vehicles travelling from both ends of the proposed scheme, but particularly Stalbridge (to the south) would be unable to see whether the road is free or not due to the bend in the road. The safety of the scheme will depend on the 'judgement' of drivers in terms of timing and spaces between boxes etc, rather than 'set' parameters of traffic lights and one carriageway width of the conditioned scheme
14. The removal of the required pavement will undoubtedly result in less safety for the pedestrians using the High Street, as well as existing residents continuing to leave their front door, straight onto a main carriageway. The proposed yellow box scheme will create pinch points in certain places, where pedestrians will be even more unsafe than they currently are.
15. The proposed yellow box system will result in additional noise, pollution, vibration and potential damage to the properties along the High Street, due to the close proximity of vehicles to the existing properties, rather than them being separated by the width of the proposed pavement.
16. The overall development should only be allowed to continue once a practical solution is approved by the LPA that addresses and resolves the clash between heavy traffic (esp HGV's) and pedestrians within the High Street, as well as improving pedestrian safety in the Church Lane / Furge Grove area.
17. The alternative route for vehicles and pedestrians along Church Lane / Furge Grove is also not safe and suitable for pedestrians, due to the lack of pavements, on-street parking and 90-degree bends in the road. This route is guaranteed to

become a more heavily used rat run as congestion on the High Street increases. This is not acceptable, as this is predominantly used by the school children walking to school in the north of the village.

18. Consider that it is increasingly clear that solutions to the issue of pedestrian safety cannot be found, which would satisfy local residents, largely due to the existing composition of the local road network, and therefore the approved housing development cannot be implemented.
19. Ultimately, there needs to be a scheme which reduces the overall level of 'heavy' traffic which goes through the village and the proposed revised scheme still does not include the imposition of a weight limit on the High Street, and the diversion of larger vehicles around the Landshire Lane / Camp Road route, so therefore in reality it will achieve nothing.

Amended Plans dated 31st January 2023

A total of 45 additional letters were received, and the responses are outlined below:

1. The current development **MUST** be considered in connection with other recent residential developments approved by the Somerset and Dorset Local Planning Authorities, and the issue to protect pedestrian safety in the surrounding villages needs to be considered as part of a wider solution by the current Highways Authority and the surrounding Authorities, such as Dorset, to ensure that all developments in the surrounding area do not unacceptably affect highway safety for local residents.
2. The appeal was only allowed by the Inspector on the grounds that the issue of pedestrian safety could be improved for existing and proposed residents, by the implementation of a suitable scheme, as outlined by the condition. If such a scheme cannot be achieved, then the condition cannot be met, and the development should not be allowed to go ahead. The developers should instead seek to revise the permission for a smaller development.
3. The narrow A357 roadway through the centre of Henstridge, restricted by dwellings on either side is **NOT** suitable for the HGVs passing through the village. The addition of restrictive road markings and/or traffic lights within the narrow sections will only add to the congestion, with HGVs forced to wait mid village, making it difficult for traffic from the opposite direction to pass and causing continuous grid lock within the village. This is **NOT** helpful to the present traffic situation and the addition of vehicles from the approved development will only

add to the ensuing chaos. Such plans will make it impossible for both existing and new residents to easily navigate the High Street by vehicle and very dangerous for them to attempt the route as pedestrians.

4. The existing historic High Street was not constructed to accommodate such large vehicles, and there is no reasonable way that pedestrians and vehicles can use the road together safely. Making minor adjustments to an already unsuitable route will simply not work.
5. The proposed works will result in traffic diverting through the smaller roads and lanes through the village which are also unsuitable for high levels of traffic, and vehicles will be in direct conflict with pedestrians who use the route.
6. Consider that the developers do not want to take responsibility for the impacts and potential serious consequences that their proposals would bring to the village.
7. Unless the works which would have been required to fulfil the conditions, as required by the Planning Inspector, have been fully and openly costed there is no basis upon which to request money to fund alternative schemes. Any suggestion of the payment of a commuted sum is therefore unquantifiable.
8. The small adjustment to the already flawed application does nothing to meet the requirements to improve pedestrian safety on the High Street. The current proposal does not improve pedestrian access - they will actually worsen it as large lorries try to squeeze past traffic queuing in the other direction whilst waiting to enter the hatched areas, and therefore the proposals should be rejected.
9. The proposed yellow box system will increase gridlock through the village as vehicles have to wait to pass each other, or squeeze into tighter spaces. (The developer's Highways Consultant acknowledges that the proposals will be 'very tight' within their covering letter). The alignment of the existing road, existing bends and spaces between the yellow boxes will mean that drivers will not be able to anticipate the road ahead, focussing on the road, largely at the expense of pedestrians. It will not solve the underlying problems of road safety through the village of Henstridge.
10. Consider that the original solution where the narrowest section would become a single carriageway controlled by traffic lights and with a 1-metre wide pavement installed on one side of the road would be preferable to the currently proposed

scheme.

11. Nothing in the proposals will prevent vehicles mounting existing kerbs.
12. The proposed desk-based solution should be tested 'on the ground' through an active simulation before it is agreed in full, as other nearby villages have had solutions imposed (Templecombe) which are in practice unworkable and have been partially redacted. The designers and planners need to spend time within the village to fully understand how it works and the issues that pedestrians face using the High Street to get from one end of the village to the other.
13. All well as more able-bodied pedestrians, extra consideration should be given to less abled bodied, such as the elderly.
14. Concern about access for emergency vehicles.
15. The only real viable option remains to divert all heavy good vehicles around Landshire Lane to rejoin the A30 without passing through the village. Instead of pursuing this cheaper, more dangerous option for pedestrians, why can't the developers consider implementing a restricted weight limit through the village and the diversion of the HGV's along the A30 and around Landshire Lane.
16. The position of the proposed yellow boxes would have a negative effect on the living conditions of existing residents on the High Street, due to noise, fumes, loss of privacy etc
17. The visual impact of the proposed works (painting of yellow road markings, etc) would be visually unacceptable within the historic village, in particular the Conservation Area.

Amended Description - 27th June 2023

Finally, local residents were notified of a change of description for the application, which removed the reference to discharging points (i) and (ii) of Condition 10, rather than specific alterations to the proposals related to part (iii) of condition 10. A total of 76 representations were received in response to the amended description, which are summarised as follows:

1. Object to the principle of this number of additional dwellings in this location, as the village does not have enough services and facilities to support such development. It would constitute over-development of a rural village.

2. The existing High Street does not have a safe footway or pavement running the length of the High Street for pedestrians to use and they must walk on the narrow road and risk injury or worse. The additional housing will only make this situation worse, both by increasing the amount of traffic in the immediate area as well as the number of pedestrians who wish to use the High Street. In addition, the alternative routes that cars and vans will take to avoid the High Street will also become much busier.
3. The plan simply does not provide a safe 'footway provision' (as required by the Inspector) for pedestrians through the High Street and does therefore not improve pedestrian safety for existing or proposed residents of the village, as required by condition 10 of the outline approval.
4. The existing narrow high street is already dangerous, with several pinch points which cannot be altered or improved to create a scheme which improves pedestrian safety as well as maintaining a suitable flow of traffic through the village.
5. Whilst it is widely accepted that the originally proposed traffic light scheme which clearly would not work, the reference to "footway provision" has also been dropped. Given that provision of a safe pathway was the main objective of the inspector who allowed the development, it is totally wrong to drop that wording and hence give opportunity for a less safe pedestrian pathway.
6. There has been a significant increase in traffic levels, types and sizes of vehicles (as well as engine sizes) and this will continue to rise as residents rely more on their private car in rural areas, as well as construction traffic for all new development.
7. Within the central section between the two proposed yellow boxes, there are several residential access driveways, which each serve a number of residential properties. These properties will struggle to access the High Street at times when traffic is gridlocked, and these access points will also become potentially dangerous.
8. It should not be a matter of finding a traffic solution in Henstridge to make the building of 130 houses acceptable, but rather accepting the fact that a village with a very narrow high street and with little pavement, cannot suffer the consequences of this unworkable scheme.

9. When assessing the appeal, the Inspector outlines the effect of the proposed development on highway safety as one of his main concerns. In section 24 of his decision letter, in respect to the 'tilted balance' he considers policy TA5 and concludes that in order for the application to meet the "sustainable community" requirements of travel to local facilities, "works are necessary in the interest of ensuring pedestrian safety". However, I fail to see how the applicants "yellow box" scheme meets this as there is no provision for any footpath.
10. I believe that the Inspector was misled by the "last minute" traffic light scheme which later proved unworkable, and I understand that element being dropped from section 10(iii) but not at the expense of the "footway provision" and "pedestrian safety" which is paramount and the appropriate mitigation to this village. If the Inspector were assessing the harm versus benefit to this village based on the current proposals, which does not meet his requirements, he would not have given permission for this large development on such a dangerous road, therefore the planning authority should not give permission until such times as a workable solution which meets his well observed (he visited and saw the problems) conditions.
11. The appeal against the decision of South Somerset District Council to refuse the original outline planning application was allowed on appeal by the inspector subject to the satisfactory implementation of conditions, including Condition 10. (This appears to have made the scheme unviable) It would seem self-evident that, if the conditions cannot be met, this equates to REFUSAL of the appeal. Therefore, if they cannot provide the mitigation required by condition 10, they do not have planning approval for the proposed development. The developers should not be allowed to enter the site or commence development until a suitable and workable alternative has been found to the requirements imposed by the Planning Inspector.
12. The current proposals to vary a significant planning condition, leaves the community of Henstridge far short of the mitigation measures that the Planning Inspector considered that the development proposals required, and despite the applicants stating they are prepared to discuss this, no such discussions with the community have taken place, particularly in regard to improvements to the alternative route via Furge Grove and Woodhayes, which is likely to become a 'rat run' as traffic tries to avoid congestion in the High Street. This route is regularly used by children and parents to walk to school in the north of the village.
13. The alternative routes cars /vans and lorries will take will, to avoid congestion in the High Street, along Furge Grove / Woodhayes will become busier and that will

increase the likelihood of an accident, given that these roads are also below standards in terms of width and visibility and also do not have continuous pavements for pedestrians. This will be further exacerbated by the amount of on-street parking that take place on this route.

14. Lorries and tractors (among others) do not adhere to current speed limits through the village, and therefore concerns that they will not adhere to other traffic measures such as yellow boxes etc. The traffic through the village is increasing in volume (even before we add more housing) as well as getting bigger and faster (including plans by government to increase the length of HGV's). We need to re-direct the larger vehicles away from the village except for access (delivery vehicles, etc). Immediately you would get less, and smaller, vehicles passing each other at narrow points in the road and so pedestrian safety will be enhanced.
15. A yellow box scheme with vehicles idling will add to pollution. We need developers to be designing schemes that protect and improve the environment, with safer walking and cycling routes helping to connect the village and minimising, not increasing the number of vehicles using narrow streets that were never designed for so many cars, never mind lorries. The traffic needs to be taken away from the village.
16. Despite requesting to 'amend' the requirements of condition 10 (iii), given the developers failure to provide a suitable alternative, this is seen by local residents as an intent to withdraw from the requirements of that condition, rather than amend them in favour of pedestrian safety. BDW were aware of Condition 10 when they acquired the land and should be required to meet its requirements in full by providing a workable scheme.
17. The developers have not demonstrated grounds to vary condition 10 (iii) and the proposed development will only exacerbate existing traffic problems. Either the developers should propose a more radical solution, (such as removing HGV's from the High Street) or the proposed development should be abandoned.
18. The applicant has failed to demonstrate that it is safe to walk on a footway in those parts of the High Street where HGVs coming in opposite directions would have to mount the kerb or cross the footway, to avoid a collision. The current scheme would put pedestrians and homeowners along this road at more risk due to vehicles which will back up during peak times and risk trying to squeeze past each other as is already regularly seen as well as regular damage to people's property along this route.

19. A proper Road Safety Audit has not yet been completed. Any audit would need to raise the following issues as major defects of the proposals.
- Risks to pedestrians as described above
 - Risk of gridlock and even collisions when HGVs and other vehicles that may fail to abide with yellow box restrictions, find they cannot safely pass each other on the carriage way.
 - Gridlock on the High Street, which is a likely consequence of the yellow box scheme; brings the risk of other routes being used as rat runs. This harmful consequence is not addressed anywhere within the revised submission.
20. Given that County Highways failed initially to accept that the Traffic Light scheme originally proposed by developers was hazardous, and they have not been able to demonstrate yet that this present scheme is safe, residents consider it would be wrong for the Planning Committee assume a safe scheme can be devised by them. Has a safety audit been completed by either party?
21. Concern that there will be no pavement through the village, in particular the section of the High Street between the top of Marsh Lane and Fountain Place. This is a particularly dangerous section as the road is narrow, there is no pavement, and it is on a bend with limited visibility for traffic trying to negotiate it. The originally proposed scheme (controlled by traffic lights), with all its flaws, at least provided a pavement for pedestrians. It should be remembered that the Appeal was upheld on condition that safe pedestrian access to the village centre was provided. This proposal and its amendment clearly fail to achieve this and should be rejected.
22. The revised proposals shown on drawing 501-402-01-S.278 WorksSheet 1-Rev E removes the improved footway, so fails to meet the Condition 10 requirement for pedestrian improvements. As there would only be room for one HGV in each direction in the area between the two opposing yellow boxes northbound traffic will frequently be obliged to queue in the area between the Furge Lane junction and the start of the box. Large vehicles leaving the controlled area may be unable to negotiate this section because of stationary northbound vehicles. This will increase the hazards faced by pedestrians in this area. HGVs heading south frequently have to encroach onto the northbound lane when negotiating the slight bend north of the Marsh Lane junction. Vehicles approaching the scheme from the north are also likely to have to queue to enter the scheme and will back up to The Cross, where again there is also limited room for two HGVs to pass because of the sharp bend, which also means that approaching drivers will be unable to see any queue. A light-controlled one-way system for Marsh Lane to Church Road would probably allow for improved footway provision over the whole of the High

Street north of the Marsh Lane Junction.

23. Concerns that the congestion created by the proposed yellow box system could prevent timely access by emergency vehicles to the ends of the village.
24. Existing drivers of PSV vehicles and Class1 HGV's, states that in their opinion the proposed box junction would not be workable in this location, as there is nowhere along the High Street to position it that wouldn't result in a large truck getting across it with the Cab Unit for visibility leaving the trailer blocking the corner and blocking opposing vehicles. Alternatives such as exclusions based on 'weight' would also not work as this would exclude vehicles such as school buses. Regardless, if 'access' is required for these larger vehicles, then they would still be able to use the route including the high street. The only suitable way to solve this issue is either to provide a by-pass for Henstridge village as a condition of the Grant at the developer's expense, or to operate traffic lights at either end of the village. This would enable the creation of a safe pedestrian route along the length of the High Street.
25. The planned development has not taken into consideration the impact this will have on the existing properties and impact on the local infrastructure. Somerset Council need to review their planning policy and stop thinking about the additional council tax/revenue that all these additional homes will produce.
26. What contribution does the developer intend to make under Section 106?
27. More examples of near misses between pedestrians and vehicles.
28. Condition 10 relates to the need to create proper pedestrian safety within the High Street, and this current proposal does not address this or produce a solution. It is a traffic management plan and has a feasibility study trying to demonstrate that two vast HGVs can scrape past one another and according to the audit titled "safety" even this has proved difficult. It is a technical audit with no mention of pedestrians and their safety walking in the High St.
29. For the past near 6 years no workable scheme for pedestrian safety has been produced and I suggest that it is unlikely there will be one in the future unless there is a radical change in traffic size and volume within the A357 High St. Developers would have to bear the cost of such a scheme. Removal of HGVs from the High St would be a major help for pedestrians but would still not guarantee total safety.

30. Suggested alternatives include:

- Dropping the Highstreet to 20mph
- Making the High Street a B road with proper restrictions on Satnavs regarding size and weight restrictions
- Divert heavy Traffic north of the village down Station Road in Stalbridge to the A30
- Divert traffic along Marsh Lane.

31. The developer is currently in breach of condition 10, which states that "no development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority". Installation of water main cannot be defined as falling within any 'de-minimus' work as this would suggest that a water main is incidental rather than essential to the development of the site.

Henstridge A357 Group

8th September 2022

For all its defects, the Traffic Light scheme required under the Appeal Inspector's condition 10 (iii) represented a decision to mitigate some of the adverse impacts of a major housing development. That condition is what enabled the development to be approved. Now that the condition is judged to be unworkable, we expect to get from the developers a viable alternative, providing a comparable level of mitigation. They refer only to a possible lump sum

This application, however, seeks to absolve them from further responsibilities: removing all three elements of condition 10.

So, we urge SSDC to defer further planning approval unless and until they provide mitigation in full; and comply with similar conditions imposed on their application, ensuring that they comply before work can start on their development.

We urge rejection of this application.

S73 provisions

We understand that under S73 an unworkable condition (such as condition 10iii) can be removed or replaced by a new condition. We regard it as vital in the present case that the condition 10iii is replaced by conditions that provide no less mitigation and with safeguards to ensure their full delivery, equivalent to those imposed by the Appeal Inspector.

No justification is given by the applicant for watering down these provisions. This application thus fails to meet these S73 requirements in four respects:

- The level of mitigation is lost and not replaced - The S73 leaves the Henstridge community with a significant unresolved absence of mitigation.
- While the planning permission originally included conditions and safeguards, in this application they are now removed - If approved the S73 would give developers freedom to start work on site before compliance with conditions matching those as set by the Inspector.
- The application is premature - The developers have not looked into alternative options for conditions, as required by the LPA.
- The formal application is incomplete and lacks essential information.

We augment these statements in our appendix A.

Background and justification

In objecting to the above S73 application, we respectfully remind the Planning Authority:

- That the Inspector's aim was to address the clash between HGVs and pedestrians in the narrow High Street and provide the community with a tangible level of mitigation. These were enshrined in Condition 10 of the Inspector's Report of 20 Nov 2018.
- That in objecting to the Traffic Light scheme as unworkable, we consistently made clear that if the Traffic Light scheme is abandoned, an alternative but equivalent mitigation strategy is required, at the developer's expense.
- That we have identified such an alternative that addresses our problem and provides the essential mitigation: that is, a route for HGVs using Landshire Lane. It would remove at a stroke the main hazard faced by pedestrians in the High Street, and thus meet the Appeal Inspector's main mitigation objective. It has the support of most local people and is already selected as the route for construction traffic. (See Appendix B) But there is no indication that developers have given this proposal their consideration in relation to this S73 application.
- When objecting to the recent Reserved Matters application, we asked that the Council looks first at removing and replacing condition 10.iii. We wanted to see safeguards in place that would ensure the developers could only go ahead if alternative, but equivalent conditions were first put in place. This request was rejected, on the grounds that such safeguards and sanctions could be applied if and when the S73 application was considered at a later stage. But they do not form part of the present application. We see no sign of any safeguards or sanctions in this application.
- That we offered on many occasions to work with developers on alternative solutions and mitigation strategy. The developer and their agents again say they are willing to do so, but their disinterest to date puts in question their good faith.

Our conclusions and proposals for next steps

We call upon SSDC to reject this application. We urge that the Planning Authority does not consider discussion, let alone approval of the application, until the developer submits a fully considered mitigation strategy to accompany its S73 application; and, in particular:

- the applicant is invited to submit a revised S73, with an outline of costed mitigation measures - ideally ones that have been discussed and supported by the local community. Planning permission should then be conditional on these measures being implemented.
- If they intend to offer a lump sum, then it should be made clear how this relates to the costs of condition 10 that they would be released from. Existing conditions to remain in place until any agreement on financial compensation is reached.
- The specific mitigation measures would be approved before construction commences; and completed before occupancy begins - conditions that match those imposed by the Inspector alongside condition 10.

Appendix A

We urge rejection of this application. The fundamental reasons in more specific detail are:

- The level of mitigation is lost and not replaced.

On no account can we accept that the level of mitigation originally intended can now be watered down. Yet the present application makes no reference by developers to efforts that would match the level of mitigation which the Inspector originally required.

We note that developers now talk of offering a lump sum. Even if the quantum transparently matched that budgeted for the traffic light scheme, we would prefer to hold the developers responsible for actually implementing tangible, sustainable improvements to the issues of Henstridge High St. But there is no evidence of the sum in mind, nor how this compares with the actual cost that the developers would need to budget for, if they fulfilled the Inspector's condition. In the absence of the developer's commitment or transparency, this S73 application leaves the Henstridge community with a significant unresolved absence of mitigation.

- While the planning permission originally included conditions and safeguards, in this application they are now removed.

We note that the Planning Inspector insisted that: No development shall take place until a scheme for ...improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall

be retained thereafter. (condition 10).

Similar provisions are surely required for to replace those removed under S73. We were told by SSDC planners that if S73 application followed the REM application, there could be new safeguards to ensure developers did not 'get away' with minimal mitigation or conditions. Where are they?

If approved the S73 as it stands would give developers freedom to start work on site whenever it suits them, and before compliance with any new conditions now needed to match those as set by the Inspector. This would effectively undermine the opportunity for a fair negotiation of any new mitigation measures, and for example, a lump sum.

- We urge that the sanctions set out by the Inspector must remain in place, until new mitigation measures are agreed.
- The application is premature.

Why should the developers be released from their planning obligations, when they have not yet made tangible efforts to submit acceptable alternatives?

We were advised by LRM (developers advisers) in March that ' should [the traffic light scheme] not be feasible BDW will proactively engage with all stakeholders on redesigning a mutually acceptable alternative.' This is overdue.

While it is clear that condition 10iii is considered no longer to be workable, the same does not apply to condition 10i and 10 ii: nor does the application provide any justification for removing these. They could well become integral in a future plan

- The formal application is incomplete and lacks essential information.

In the LPA S73 Application form the applicant is asked: If you wish the existing condition to be changed, please state how you wish the condition to be varied.

Dan Barwick responded in his letter (13 July ref 220713): Amend 10i) and 10ii) to be read as a compliance condition referring to submitted detail. Delete 10iii). And: We would welcome you to consider the information provided as part of the application, and suggest alternatives in a varied condition. There is no varied alternative, no understanding of the mitigation value of condition 10, nor a reasoned justification for the removal of 10iii rather than its replacement by a workable alternative solution.

The S73 application letter refers to a financial compensation in vague terms: 'BDW would be willing to consider a commuted sum'. To be of any value in determining this issue, it will obviously have to be specific. As will the scope of the commitment, to ensure there will be tangible and relevant benefits to Henstridge, in a defined timeframe., with clear sanctions and accountability for delivery.

We conclude that it would be irresponsible of the LPA to make concessions to the developer on these points: it should be standing up for local people, responding to their concerns.

Appendix B

Mitigation and SSDC 22/02240/S73: alternative suggestions from A357 Group:

We have put forward the following proposals, which are practical outline mitigation measures, for the developer to provide and fund. These would sustainably and strategically address the needs of Henstridge residents and in particular match the Inspector's concerns for the residents in respect of possibly adverse aspects of the planned development. We would welcome a constructive discussion, so that these can be adopted in three locations:

Landshire Lane

- It was evident and is now proved by the applicants' consultants that the problem that prevents improvements for pedestrians in the High Street is HGVs. Our proposal addresses this problem by requiring HGVs to take an alternative route, via Camp Road and Landshire Lane. It is already used by HGVs on a regular basis, a few miles to the East of Henstridge.
- This has been considered and approved as the route required for construction traffic in the present application and has been deemed safe by County Highways. So, there is already acknowledgement of the problem and its solution.
- We therefore suggest that the opinion of County Highways when this HGV route was first mooted - that the proposal was too 'strategic', should now be reconsidered. After all, nothing could be more strategic than a large new housing development and the mitigation measures to match it.
- A highway engineer looking at this option might suggest some essential signposting and possibly improvements at the southern junction, and/or a passing place on Landshire Lane, but there is no reason why this option should be a costly one. And if there were costs to be borne, they should be made available from part of the applicants' original budget for mitigation measures.

High Street

Once HGVs are removed from the High Street, the safety and comfort of pedestrians can be addressed afresh. The traffic light scheme should not be revived; but measures to slow down traffic would be needed. We understand that chicanes (as in Templecombe) would not be advisable owing to restricted sightlines.

Furge Grove and Church Lane

An adverse consequence of the traffic light scheme would have been the risk of Furge Grove and Church Lane being used as a rat run. This is an important pedestrian route

extensively used by families and children, so the removal of High Street traffic must be the opportunity to protect its pedestrian character. It may be possible to enhance that with a one-way system and /or other traffic management measures? And condition 10i and 10 ii might be relevant and of benefit here?

None of these proposals need be excessively costly or disruptive, at least not when compared to the traffic light scheme. And if there were costs to be borne, part of the applicants' budget for mitigation should be applicable.

And it would be reasonable to expect these mitigation projects to have been approved before development is allowed to start and to be completed before the development is occupied, (matching the Inspector's original requirement which enabled the appeal in the first place).

31st July 2023

The A357 group wish to strongly object again to this application to amend and remove the provision of a safe pedestrian footway.

We have seen sight of the safety audit conducted and it is littered with requests for further information only 2 of which have been submitted. This appears to be more of a feasibility study into whether HGVs can pass each other rather than looking at any safety of pedestrians travelling from the new development to the village facilities. Poor quality diagrams, no explanatory notes from the developers and an independent professional review suggests the scheme to be unworkable.

The appeal in 2018 hinged on this condition as without it, permission would have been refused.

Consequently, the applicant either needs to create a safe pedestrian route or concede that it is not possible and walk away from this particular site.

CONSIDERATIONS

Principle of Development

The principle of this residential development has been established through the approval of outline planning application 17/03029/OUT at appeal in November 2018 and the reserved matters approval (21/03369/REM) in May 2022, which both remain extant under 19th May 2024. This application is made in relation to amending the requirements in respect of condition 10(iii) of the outline consent in relation to off-site highway works. As such there will be no changes to the approved access, layout, scale or design of the approved development under either of the approvals.

Therefore, the only matter under consideration is the provision of off-site highway works to improve public safety, imposed under Condition 10(iii) of the outline

planning permission (17/03029/OUT) imposed by the Inspector.

Highways

The main issue in relation to this application is the requirement of outline condition 10(iii) to provide "a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane Marsh Lane generally in accordance with plan ref: P17033-06-01E".

It is widely accepted by all parties (LPA, Applicants, Parish Council, A357 Group, and members of the public) that pedestrian safety along Henstridge High Street is a significant issue, and is currently extremely poor due to the constraints posed by the existing historic high street which is narrow in places and lacks a continuous pavement along its length, as well as the existing traffic which already uses the High Street (and is unrelated to the development) including HGV's and other large vehicles, as well as private cars and other modes of transport. The combination of these issues leads to conflict between vehicles and pedestrians on a regular basis.

As set out above, following the refusal of the outline application in January 2018, the applicants included proposals to improve pedestrian safety on the High Street with their appeal against refusal of the application. During the consideration of the appeal, the inspector clearly identified that the scheme for pedestrian improvements initially put forward by the appellants, which included a raised pavement along a signal-controlled single width carriageway along the section of the High Street, were necessary in the interest of ensuring pedestrian safety and enabling sustainable travel to support local facilities, as well as addressing the developments own transport implications in accordance with policy TA5 of the local plan, and therefore the appeal was determined on the basis of the proposals submitted by the appellants.

It is acknowledged that the proposed development would generate additional traffic, both pedestrian and vehicular, although aside from the construction period, the amount of HGV's likely to be generated by the proposed development would be minimal. Construction traffic, which would involve specific HGV's will be diverted away from the High Street, via a diversion as part of the Construction Management Plan, required by condition 9 of the outline consent.

The existing constraints of the High Street which result in many of the issues with pedestrian safety, also pose the greatest constraints to improving the issue as they may not allow for 'modern' interventions or standards to be achieved, and since further technical work has been undertaken by the applicants for the proposed mitigation, it has been established that the original scheme would be difficult to

implement, due to issues such as road levels preventing pavements being constructed properly, or the proposed traffic lights on the junction of the High Street and Furge Grove obstructing traffic.

On this basis, and rather than trying to remove the requirements of section (iii) of condition 10 completely, the applicants have worked with the Highways Authority to find the best alternative solution to provide improvements to the safety of pedestrians using the High Street, as per the requirements and reasoning for condition 10(iii). Whilst this does not meet the 'ideal' or 'standard' approach of providing a raised footway along the length of the High Street (which cannot be achieved as the mitigation is not with a new build scheme), the scheme has been designed to provide areas of dedicated pedestrian footways.

It is accepted that this is not the ideal solution, or that which was previously anticipated, however, the highways authority consider that the proposals will provide an increased amount of dedicated footway for pedestrian's which will increase pedestrian safety along a larger amount of the High Street than what currently exists. This reflects the reason for the condition, and therefore the amendments to the previously suggested scheme would be acceptable, given that the original proposals cannot be achieved.

Many concerns have been raised by local residents and the Parish Council that the proposed 'Yellow Box' scheme is not a suitable alternative to the previously agreed traffic light system, which will lead to increase congestion in the village (and therefore additional use of the quieter Furge Grove / Woodhayes Way route as a rat run) as well as conflict between the larger vehicles, and that conflict between vehicles and pedestrians will remain, and that overall pedestrian safety will not be improved, but potentially worsened.

The Highways Engineer has acknowledged these concerns but has identified that the yellow box system is designed to ease congestion, particularly at pinch points, as it prevents vehicles entering the boxes if their exit route is not clear (rather than trying to squeeze past one another). Forward vision through the yellow boxes allows drivers to see when there are vehicles on the exit route which directs them not to enter the box. The scheme also retains suitable sections of clear carriageway which allow opposing traffic to continue to flow.

In terms of pedestrian safety, the yellow box also creates sections within the scheme which will provide pedestrians refuge from passing vehicles and, in addition the scheme will reduce traffic speeds along the High Street, which is beneficial to all users.

In response to comments raising the lack of safety audits (for both the initial proposals and the current scheme). The Highways Authority would point out that they were the ones that identified that the initial scheme would be hazardous for all users and impractical to implement and have since been working with the developers to find an alternative solution. All the options that have been put forward by the developers have been safety audited by experienced engineers within the team, and have identified issues which give cause for concern, and which have subsequently been addressed.

It is therefore considered that the proposed amendments to condition 10 (iii) will continue to provide improved pedestrian safety (over the current situation) for the existing residents of Henstridge as well as the future residents of the new development, and would therefore be acceptable, in terms of policy TA5 of the SSLP. As section (iii) is read as part of the whole condition, the triggers for the approval of details and their implementation prior to the occupation of any dwelling will remain as the Inspector proposed.

The Parish Council and local residents preferred alternative would be to divert existing HGV traffic away from the High Street, through a weight restriction Traffic Regulation Order, and the diversion of HGV's along the Marsh Lane / Landshire Lane route, as they see this as the main cause of poor pedestrian safety. However, Paragraph 57 of the National Planning Policy Framework outlines that planning obligations should only be sought when they meet *all* of the following tests:

- i) necessary to make the development acceptable in planning terms;
- ii) directly related to the development; and
- iii) fairly and reasonably related in scale and kind to the development.

necessary to make the development acceptable in planning terms

The development will not generate a severe increase in HGV traffic. After the construction period (covered by the Construction Management Plan), aside from occasional delivery lorry's and the weekly refuse lorry, the general traffic associated with housing estates is private cars and smaller vans. The diversion route is therefore not necessary to make the development acceptable.

directly related to the development

As the HGV traffic through the middle of the village is a matter of fact and not generated by the development, it is not directly related to the development.

fairly and reasonably related in scale and kind to the development

The creation of a formal diversion route would not be just a simple matter of erecting

a few signs and sending lorries onto different roads; as numerous issues would need to be attended to prior to any diversion being agreeable:

- A Traffic Regulation Order for a weight limit in the village involves its own full public consultation process the result of which are not guaranteed. Any objections received would have to be investigated and attended to or removed prior to the successful implementation of the Order.
- The TRO would not apply to vehicles lawfully accessing local property. The occasional delivery lorry visiting properties, or agricultural vehicles associated with the local fields, therefore, would still be able to attend sites through the village irrespective the weight limit.
- Structures such as bridges and culverts along the diversion route are not all Somerset Council assets so we cannot unilaterally agree the diversion route. Further, full structural surveys of the assets would need to be carried out to confirm they are of a suitable construction to accommodate the increased weight loading. If not, they would need to be reconstructed to bring them up to standard.
- The road for the full length of the diversion route would need a condition survey to ensure it is suitable for the HGV traffic. If it is not wider than 5.5m for its full length the lorries would overrun the verges and damage them or would cause structural damage to the haunch construction at the edge of the carriageway which would increase the maintenance burden. Going on my experience in highway management and maintenance, I would suggest none of the route would have sufficient haunching construction and as such the whole route would need reconstructing.
- The TRO would need to be satisfactorily implemented, and all problems highlighted along the route would need to be rectified prior to the diversion route being brought into use.
- One of the bridges along the route already suffers from spalling which may need regular inspections and maintenance.

On this basis, this is potentially a hugely expensive task, and suggesting the costs are borne by the developer when they are not adding to the HGV traffic in the area is neither fair nor reasonable.

Therefore, as the development will not severely and permanently increase the number of HGVs using the route through the village, the suggestion of a diversion route funded (either partially or in full) by the developers does not accord with the tests in NPPF paragraph 57 and therefore this Authority cannot support such a proposal.

Other matters

Correspondence from the Parish Council on 23rd May 2023 advised that Wessex

Water would be undertaking works in proximity of the site in June, including the blocking up of the road to enable it to be dug up for additional pipe work related to the proposed Townsend development. Given that this application had not been determined, and there were outstanding conditions still to be discharged, this was unauthorised works. A number of local residents have also contacted the department as survey work was being undertaken on site.

The developers have confirmed that the development has not yet commenced, any operations on site since our client have controlled the land would have been related to technical surveys, hedgerow removal as approved under a separate consent and utilities work. None of which form a breach to the planning permissions for residential development.

Conclusion

There remains much opposition to the principle of development of this site. However, the principle of 130 dwellings (and access thereto) was established under the approval of the outline application 17/03029/OUT in November 2018, and the remaining details have been approved under the reserved matters approval 21/03369/REM, which both remain extant, and the developers are in the process of discharging the remaining necessary conditions.

This current application solely relates to the detailed requirements of section (iii) of condition 10 of the outline approval, which relates to the provision of off-site highway works to improve pedestrian access along the High Street for existing and proposed residents of Henstridge, in accordance with policy TA5 of the South Somerset Local Plan.

Whilst the loss of the originally proposed scheme due to technical reasons is regrettable, it is considered that the revised off-site works, which will still include carriageway narrowing as part of a proposed priority system between Marsh Lane/Furge Lane and the High Street as well as a pedestrian footway (instead of pavement) and 20mph speed limit throughout, will also improve facilities for pedestrians, in accordance with the requirements of policy TA5 of the South Somerset Replacement Local Plan.

For this reason, it is recommended that condition 10 (iii) should be amended as follows:

- iii) improvements to the A357 High Street generally in accordance with plan Ref. P17033-06501-402-402-01E.

Reason for Approval:

The principle of development has been established by the previous granted of outline approval 17/03029/OUT, together with means of access from Woodhayes Way. The design, appearance, scale, layout and landscaping of the development has been approved under reserved matters approval 21/03369/REM, and the proposed amendments to the scheme would not result in change to the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and the guidance within the NPPF.

01. Reason for Approval: The principle of development has been established by the previous granted of outline approval 17/03029/OUT, together with means of access from Woodhayes Way. The design, appearance, scale, layout and landscaping of the development has been approved under reserved matters approval 21/03369/REM, and the proposed amendments to the scheme would not result in change to the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and the guidance within the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of 2 years from the 19th May 2024. (Being the decision date of the last of the reserved matters to be approved)

Reason: To accord with the provisions of s91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the approved plan no. CSA/3228/109A and the plans and drawings approved under reserved matters approval 21/03369/REM dated 19th May 2022.

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

03. The proposed access shall be constructed in accordance with details shown on plan number 4746-53-02A, and the further details approved under reserved matters approval 21/03369/REM (dated 19th May 2022) and shall be available for use before first occupation of the dwellings hereby permitted and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policies TA5 and TA6 of the South Somerset Local Plan and the guidance within the NPPF.

04. No development shall take place on land edged red as shown on approved plan ref. CSA/3228/109A which may be required to facilitate the provision of a footpath link running parallel to the A357 as shown on Somerset County Council's plan Ref. T1004127-HW-002.

Reason for Approval: In the interests of pedestrian safety and in accordance with policy TA5 of the South Somerset Local Plan.

05. No development or site preparation works shall take place until the tree and hedgerow protection measures approved under LPA reference 23/01034/DOC1 (discharge of condition 7) have been installed and made ready for inspection by the local planning authority's Tree Officer prior to any commencement of development. The approved protection requirements shall remain implemented in their entirety for the duration of the construction period and may only be moved or dismantled with the prior written agreement of the local planning authority.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) and in accordance with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and guidance within the NPPF.

06. No development shall take place until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority. The drainage strategy shall ensure that surface water run-off is attenuated on site and discharged at a rate and volume no greater than greenfield run-off rates and volumes. The approved works shall be carried out and maintained in accordance with the approved programme and details.

The details shall include:

- details of phasing (where appropriate) and maintenance of drainage systems during construction of all phases.
- Information about the design storm period and intensity, discharge rates and volumes both before and after development, temporary storage facilities, means of access for maintenance (6m minimum), the methods to be used to delay and control surface water discharged from the site and measures to prevent flooding and pollution of receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). The details shall demonstrate that there will be no detrimental effect downstream from any upgrading of the culvert beneath Stalbridge Road, or if this is not feasible, discharge rates and volumes shall be restricted to meet the capacity of the existing culvert.
- Flood water exceedance routes both on and off the site. No part of the site shall be allowed to flood during any storm up to and including the 1 in 30 event. Flooding during storm events in excess of this including the 1 in 100 year (plus 40% allowance for climate change) shall be controlled by limiting this to the designed exceedance routes which shall be demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with policy EQ1 of the South Somerset Local Plan and guidance contained within the NPPF.

07. The development hereby approved shall be carried out in strict accordance with details approved under 22/02241/DOC1 (discharge of condition 9 - Construction Management Plan) approved 23rd August 2022. The approved plan shall be adhered to fully at all times throughout the construction period.

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset Local Plan.

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

- i) dropped kerbs and tactile paving at the following junctions:
 - Woodhayes Way/A357 Stalbridge Road
 - Woodhayes/Townsend Green
 - Woodhayes/Bugle Court
 - Woodhayes (Marlstone Court)
 - Woodhayes/Furge Lane
 - Furge Lane opposite Furge Grove;

- ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:
 - Junction Furge Lane/Furge Grove
 - Junction Church Street/A357; and

- iii) improvements to the A357 High Street generally in accordance with plan Ref. P17033-06501-402—402-01E.

Reason: In the interests of pedestrian safety and in accordance with policy TA5 of the South Somerset Local Plan

09. No part of the development hereby permitted shall be occupied until a footway of 1.8m minimum width has been provided on Furge Grove between its junction with Furge Lane and the existing footway to the north on Furge Grove. The retained carriageway width shall be no less than the existing carriageway width.

Reason: In the interests of pedestrian safety and in accordance with policy TA5 of the South Somerset Local Plan.

10. The development shall be carried out in accordance with the mitigation measures recommended in the Ecological Impact Assessment by CSA Environmental dated June 2017.

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

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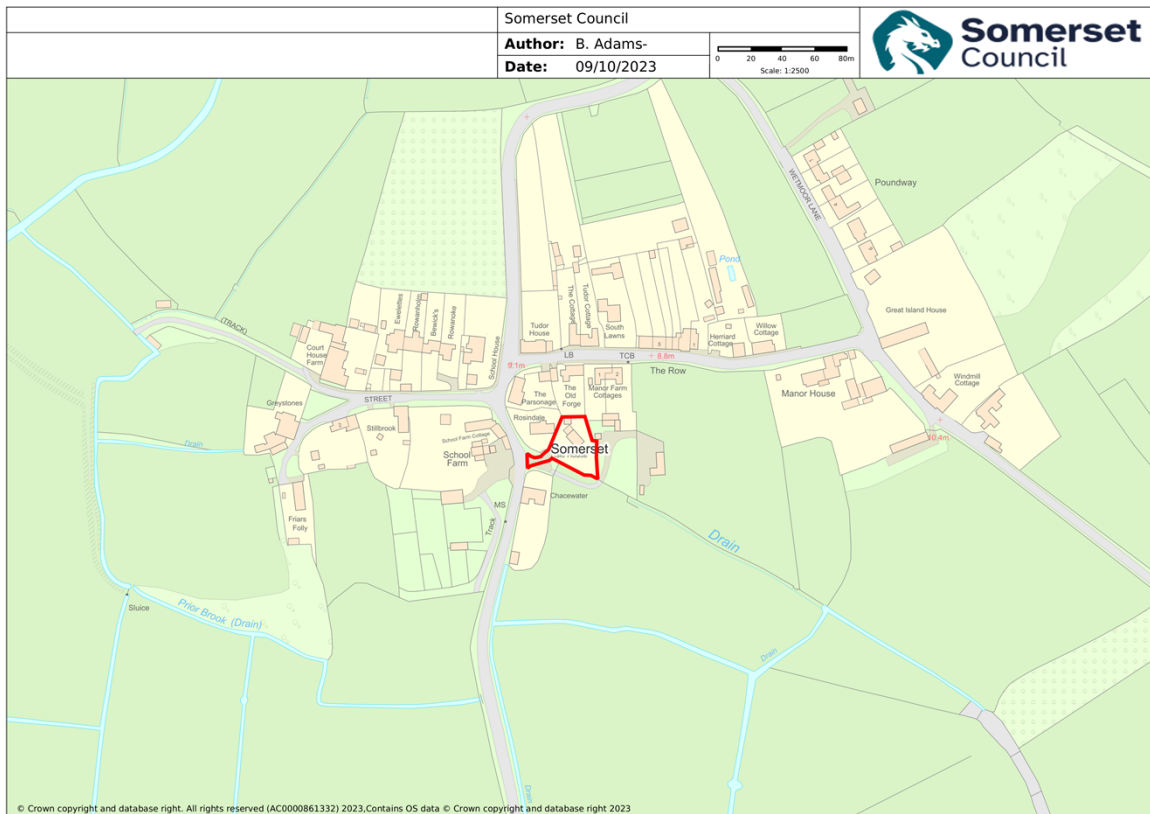
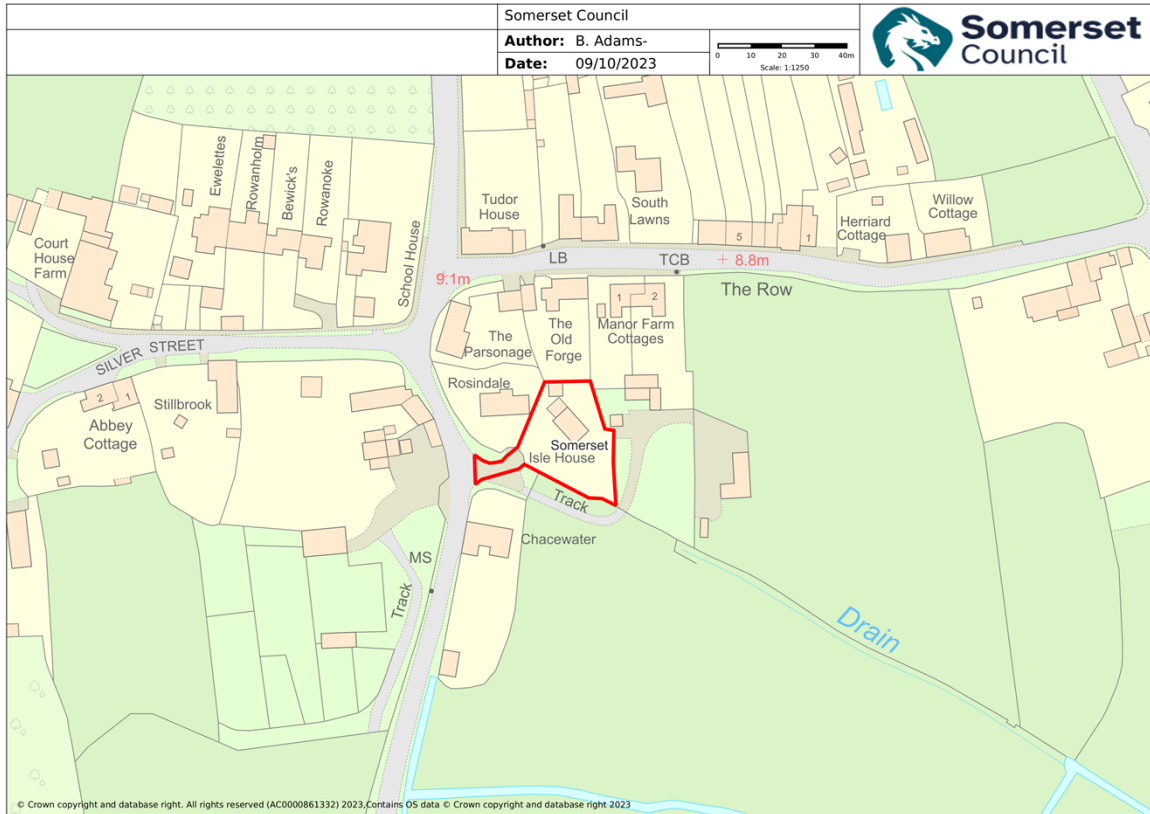
Officer Report On Planning Application: 23/02106/HOU

Proposal :	Demolition of garage and replacement with 2 storey extension for an annex to provide multi-generational living accommodation.
Site Address:	Isle House, Muchelney Road, Muchelney, Langport, Somerset, TA10 0DP
Parish:	Muchelney
CURRY RIVEL AND LANGPORT Division	Cllr Mike Stanton Cllr Richard Wilkins
Recommending Case Officer:	Connor Chapman (Case Officer)
Target date :	11th October 2023
Applicant :	Mr A McLeod
Agent: (no agent if blank)	Mr Duncan Pyle, Bank Chambers, Cheapside, Langport TA10 9PD
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

As the applicant is a direct relative of an officer of the Council's Senior Leadership Team, the Somerset Council's Scheme of Delegation requires that the application is determined by the Planning Committee.

DESCRIPTION:



Isle House is a two-storey, detached dwellinghouse located within an area of Muchelney.

The dwelling is within a Conservation Area however while it is not a listed building it does sit in proximity to Grade II Listed Buildings, Chacewater and School Farm Cottage.

This application seeks permission for the demolition of a garage and replacement with a 2 storey extension to be used as an annex to provide multi-generational living accommodation. The proposal extends approximately 5.125 m from the northwest side elevation and protrudes forward of the principal elevation by approximately 2.6 m. The proposal expands on the existing footprint of the side garage by approximately 22 sqm and measures approximately 7.25 m in overall height x 4.2 m in height to the eaves. Materials are stated as reconstituted stone and double roman concrete roof tiles, both to match existing.

NEIGHBOURS/CONSULTEES CORRECT: Yes

POLICY:

South Somerset Local Plan 2006-28:

- Policy SD1 - Sustainable Development
- Policy EQ2 - Design and General Development
- Policy EQ3 - Historic Environment
- Policy EQ4 - Biodiversity
- Policy TA5 - Transport Impact of New Development
- Policy TA6 - Parking Standards

NPPF:

- Chapter 2 - Achieving Sustainable Development
- Chapter 12 - Achieving Well Designed Places
- Chapter 15 - Conserving and Enhancing the Natural Environment
- Chapter 16 - Conserving and Enhancing the Historic Environment

Planning Practice Guidance.

Somerset County Council Parking Strategy (September 2013) and Standing Advice V3

National Design Guide - September 2019

Town/Parish Council:

Muchelney Parish Council: No response.

Other Consultees:

Highways Authority:

Standing advice applies.

South West Heritage Trust

"As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds."

Neighbour Comments:

Three representations were received, all in support.

1 The Row: *"The materials that are to be used for extension compliment the original house, the extension give's good structural balance and appearance."*

2 Manor Cottage: *"I do not oppose this application; however I would like it to be noted that the access is a shared right of way in constant use so is always needed for access to the properties and not for parking."*

Rosindale: *"We are very happy to support this planning application as it will have no negative impact on our property in any way. We also believe it will enhance Isle House."*

DESIGN/LAYOUT/MATERIALS/HERITAGE ASSETS:

Isle House is located along Muchelney Road, down a short access track which is shared with the neighbouring property, Rosindale, and Chacewater, to the south. The proposal introduces a two-storey side extension that replaces the existing single storey garage and is planned to be used as an annexe to the main dwelling. The proposed extension implements a gable roof with a roof ridgeline and eave height that is stepped down from the primary dwelling. There is an additional gable running perpendicular to the proposed extension, protruding past the principal elevation towards the access track, with a ridge and eave height being situated between the ridge and eave height of the initial gable extension. As the proposal impacts the principal elevation, additional consideration must be given to its impact upon the host dwelling and the surrounding street scene. It is considered that the overall design of the proposal is subservient to the existing dwelling in terms of scale and is of an appropriate design and detailing that would benefit the overall visual amenity of

the main dwelling. Proposed materials are stated as reconstituted stone and double roman concrete roof tiles both to match existing.

Isle House is located within the Muchelney Conservation Area and is situated near listed buildings to the south and west, however is not sited directly adjacent to them. Isle House is situated to the end of the shared access track and is obscured from the street scene by the neighbouring property, Rosindale. The proposed extension is sited directly between the two dwellings and is considered to have a minimal impact upon the surrounding conservation area. Chacewater and School Farm Cottage are Grade II Listed Building and are located across the adjacent access track and the classified highway, Muchelney Road. Due to the siting, scale, and materiality of the extension it is not considered that the proposal will have a detrimental impact upon the nearby heritage assets.

In summary, it is considered that the proposal is acceptable to the character of the building, the surrounding Conservation Area and nearby heritage assets in accordance with Policy EQ2 and EQ3 of the South Somerset Local Plan 2006-28.

RESIDENTIAL AMENITY:

The proposal introduces first floor windows on each elevation of the proposed extension. The proposed principal and rear elevations overlook the neighbouring properties to the north and south which are situated over 30 m away. It is considered that these windows do not give rise to an increased level of overlooking than what already exists. The proposed south-east first storey windows overlook the nearby open countryside. The proposed north-west first storey window overlooks the neighbouring property Rosindale, which has an existing adjacent single storey and opposing side elevation windows. It is considered suitable to condition the first floor, northwest side elevation window as obscure glazed to prevent any increase to overlooking/loss of privacy.

In summary it is not considered that the window layout and general bulk of the extension is such that it would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore, it is considered that the development does not have an unacceptable impact upon amenity of neighbouring properties in accordance with Policy EQ2 of the South Somerset Local Plan 2006-28.

HIGHWAYS:

The Highway Authority referred to Standing Advice. After development, the proposed

parking arrangements are shown as 4 parking spaces and there is an increase in bedroom accommodation to 4 bedrooms including the proposed annexe. Isle House is located within Muchelney which is classified as an Amber Zone, requiring a maximum of 3 parking arrangements. On this basis, the proposed development is considered to satisfy the requirements of the Somerset Parking Strategy 2013 and be in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-28.

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). Policy EQ4 of the Local Plan also require proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The application site is located in an area of Muchelney. The Council is not aware of any evidence or reasons why the development would result in harm to ecological assets. The applicant will be advised through an informative of the legal protection afforded to bats. The proposal is therefore considered to be in accordance with Policy EQ4 of the Local Plan and the guidance contained in the NPPF.

PHOSPHATES:

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 projects likely to, either directly or indirectly, increase nutrient loads to this site. The site is identified as being within the Somerset Levels and Moors Ramsar Site Catchment Area. However, the form of development is not identified by the Natural England informative guidance that could be considered one that may require a Habitats Regulations Assessment (HRA). The development would not result in an increase in user numbers and as such is considered to be nutrient neutral. In this instance, knowing the above it is considered the proposal would not be to the detriment of the Ramsar Site, and the approval of a scheme would accord with Policy EQ4 of the South Somerset Local Plan as the proposal would not affect the biodiversity value of the protected site.

CIL: This Authority does not collect CIL from householder development.

SUMMARY: No objection is recorded. The proposed development is considered to be

acceptable and recommended for approval.

RECOMMENDATION Approve for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity, visual amenity, highway safety or other environmental concerns in accordance with the aims and objectives of Policies SD1, EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework.

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 reference:

771(00)01, Proposed Extension, Site Location and Site Plans

771(00)04, Rev B, Proposed Extension, Proposed Ground Floor Plan

771(00)05, Rev B, Proposed Extension, Proposed First Floor Plan

771(00)06, Rev D, Proposed Extension, Proposed Elevation and Roof Plan Design and Access and Heritage Statement

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

03. The external finish of the development hereby approved shall use materials, windows and doors to match the existing property unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining character and visual amenity.

04. Prior to the development hereby approved being first brought into use the bathroom window in the north-west side elevation shall be fitted with obscure glass (minimum level 3) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity and in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. The annexe accommodation to be provided within the development hereby permitted shall remain as permanent ancillary accommodation to the principal dwelling, known Isle House, Muchelney Road, Langport, TA10 0DP at the time of this permission, and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit.

Reason: In the interests of residential amenity and highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028)

Informatives:

01. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

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.

**Report for Information
Planning Committee - South**



24 October 2023

Appeal Decisions (for information)

To inform members of the planning appeal decisions received for the Planning Committee - South area since 1 September 2023.

Application Nos: 22/02461/OUT (Appeal A) and 22/02462/OUT (Appeal B)
Address: Land to the North of Fore Street, Tatworth, Chard.
Description: Outline application with all matters reserved, except for access, for up to 35 dwellings (resubmission of 20/02249/OUT) (Appeal A), and 13 dwellings (Appeal B).
Application Decision by: Not applicable.
Appeal Decision: Dismissed (Appeals A & B).

Application No: 21/03112/FUL (Appeal A) and 21/03113/LBC (Appeal B)
Address: 24 and 26 High Street, Wincanton.
Description: Alterations to shopfront.
Application Decision by: Not applicable.
Appeal Decision: Dismissed (Appeals A & B).

The Inspector's decision letters are shown on the following pages.

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Appeal Decisions

Site visits made on 12 September 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 October 2023

Appeal A: APP/R3325/W/23/3317386

Land to the north of Fore Street, Tatworth, Somerset TA20 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Joint Appeal Brewer, Lillington Land Allocation Ltd against South Somerset District Council.
 - The application Ref 22/02461/OUT, is dated 25 August 2022.
 - The development proposed is outline application with all matters reserved, except for access, for up to 35 dwellings.
-

Appeal B: APP/R3325/W/23/3317387

Land to the north of Fore Street, Tatworth, Somerset TA20 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Joint Appeal Brewer, Lillington Land Allocation Ltd against South Somerset District Council.
 - The application Ref 22/02462/OUT, is dated 25 August 2022.
 - The development proposed is outline application with all matters reserved, except for access, for up to 13 dwellings.
-

Decisions

1. Appeal A is dismissed and planning permission is refused.
2. Appeal B is dismissed and planning permission is refused.

Application for costs

3. An application for costs was made by Joint Appeal Brewer, Lillington Land Allocation Ltd against South Somerset District Council (the Council). This application is the subject of a separate Decision.

Preliminary Matters

4. The applications are for outline planning permission, with all matters other than access reserved for future consideration in each case. They relate to two different sites, but both adjoin each other, have the same appellants and propose residential development. I have considered each proposal on its individual merits but, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

5. The appeals result from the failure of the Council to determine the applications within the prescribed period. Therefore, no formal decision notices were issued by the Council. However, its Statement of Case set out putative reasons for refusal for both proposals, had it been so empowered. I have considered the appeals on this basis.
6. During the appeals, at final comments stage, the appellants submitted revised plans, together with amended nutrient calculations. The changes proposed a new package treatment plant within the site of Appeal A. This included additional access points off Lorage Lane to serve the plant. Although the plans are indicative in respect of the layout of the proposals, access is a matter that falls to be considered now, and so the changes are substantive in nature, as is the updated nutrient information.
7. I am mindful of guidance¹ that the appeal process should not be used to evolve a scheme, and that I should consider essentially only what was before the Council at application stage, on which the views of interested people were sought. As such, in the interests of fairness, I cannot take the amended plans, the package treatment plant or the updated nutrient calculations into account in reaching my decision.
8. As part of both appeals, Unilateral Undertakings (UUs) making planning obligations in respect of affordable housing, public open space, health, education and off-site sports and recreation have been submitted by the appellants. I have some concerns that the UU for appeal B would be ineffective because it incorrectly refers to the reference number for appeal A. Nevertheless, I have taken both UUs into account in my decision.

Main Issues

9. The main issues in respect of both appeals are:
 - the effect of the proposals on the River Axe Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), with regard to phosphates,
 - the effect of the proposals on biodiversity within the site,
 - whether the proposals, in combination with other development, would result in an amount of growth that would be excessive or unsustainable in respect of access to local services and facilities, and
 - the effect of the proposals on highway safety.

Reasons

Phosphates

10. The sites are within the catchment area of the River Axe SAC and SSSI, which is protected pursuant to the Conservation of Habitats Regulations 2017 as amended (the Regulations). The SAC and SSSI has been designated for its water courses of Ranunculion flutantis and Callitriche-Batrachio vegetation. The favourable ecological condition of the river is at risk, due to high levels of phosphorus.

¹ The Planning Inspectorate 'Procedural Guide: Planning Appeals – England'.

11. The Appeal A and B proposals are for numerous dwellings and the sites are close to one of the tributaries of the river. The additional population and the resultant wastewater from the proposals would result in an increase in levels of phosphates entering the River Axe catchment system. This may well result in adverse effects on the integrity of the river and its species, such as oxygen depletion, thereby worsening an already unfavourable situation. As such, alone and in combination with other projects, a significant adverse effect on the integrity of the SAC and SSSI resulting from the proposals cannot be excluded.
12. Accordingly, as the competent authority in the context of this appeal, I am required to carry out an Appropriate Assessment under the Regulations. Initially, the appellants proposed that the developer would provide off-site mitigation, by entering into a recognised credit scheme or by creating suitable wetland elsewhere. Natural England sought further details of the schemes and how the mitigation would be secured.
13. There is no dispute that either of the suggested solutions would need to be secured by means of planning obligations, but the submitted UUs make no such provision. Instead, at a late stage, the appellants proposed the new package treatment plant. For the reasons I have already given, I cannot take this into account. As such, no securable mitigation is proposed. On this basis, in carrying out the Appropriate Assessment, the adverse effects of both proposals on the integrity of the SAC and SSSI would not be avoided by mitigation. For these reasons, they would both have significantly harmful effects on the SAC and SSSI, with regard to phosphates.
14. Consequently, the proposals subject to Appeal A and B would conflict with Policy EQ4 of the South Somerset District Council Local Plan (SSLP), adopted March 2015, which requires no adverse impact on the integrity of national and international wildlife designations. They would also conflict with the National Planning Policy Framework (the Framework) and its requirement to refuse proposals that would cause significant harm to biodiversity where it cannot be avoided, mitigated or compensated for. As such, I give this conflict substantial negative weight.

Biodiversity

15. Government Circular 2005/06 (the Circular) relates to biodiversity and geological conservation. It advises that surveys of protected species should be undertaken where there is a reasonable likelihood of the species being present and affected by the development. A range of ecological surveys of the appeal sites have been carried out, including for bats, reptiles and dormice. These surveys have found, amongst other things, that the sites provide a habitat for slow worms and grass snakes, and that dormouse and bat roosts are within hedgerows.
16. The advice of CIEEM² is that the need for further surveys increases with time and that ecological data between 18 months and three years old should be subject to confirmation and possible updating from an ecologist to ensure its continued validity. In this case, some of the surveys (for example for dormice or the Ecological Impact Assessment) were undertaken within this period but have not been subject to an ecologist's confirmation. Others, such as for bats or reptiles were carried out more than three years ago, in summer 2020. Given

² The Chartered Institute of Ecology and Environmental Management

the length of time that has passed, they do not therefore provide a fully up-to-date assessment of the ecology of the site.

17. It has been suggested by the appellants that further ecology surveys could be required after planning permission has been granted, by way of a planning condition. However, the Circular makes clear that it is essential that the presence or otherwise of protected species, and the effect of a proposal on them, is established before planning permission is granted. This is to ensure that they are fully taken into account. This matter cannot therefore be left to a planning condition.
18. Accordingly, I cannot be satisfied that proposals subject to Appeal A and B would not harm biodiversity within the sites. As such, they would conflict with SSLP Policy EQ4 and its protection of biodiversity features. They would also conflict with the aim of the Framework to protect sites of biodiversity value. As such, I give this conflict significant negative weight.

Amount of Growth, Services and Facilities

19. SSLP Policy SS1 sets out the Council's Settlement Strategy. It seeks to locate most development in Yeovil and identified Market Towns and Rural Centres. These do not include Tatworth, which is treated instead as a Rural Settlement. Amongst other things, Policy SS2 requires that proposals within a Rural Settlement are commensurate with its scale and have access to identified key services. As such, the concern of the Council and others is that the amount of growth proposed would be excessive and unsustainable, adding to pressure on local services and facilities, including the cumulative effects of other development locally.
20. The Council calculates that, together with existing commitments and recent approvals, the Appeal A and B proposals would increase the number of dwellings in the Parish by around 12% over the Local Plan period. I also understand that major applications are being considered by the Council as part of the Chard Strategic Growth Area, and that a decision is pending on a planning application³ for 252 dwellings within Tatworth parish, albeit on the edge of Chard.
21. However, given the proximity of that site to Chard, it seems likely that its occupiers and those of other developments proposed nearby would look towards that town for their services and facilities. Tatworth and its surroundings do not have all the facilities suggested by the appellants, with some shops having closed, but it does have many of the key services referred to by Policy SS2, including a primary school, convenience shop, public house and a bus service. As a result, it has a reasonably good range of community facilities.
22. Although the main parties disagree about the precise terms of the UUs, the proposals seek to mitigate the effects of the proposals in terms of education, healthcare, affordable housing, public open space, and sports and recreation. There is little substantive, specific evidence to suggest that the proposals would result in overdevelopment or undue pressure on these or other services in the area. I therefore see little reason to doubt that there would be insufficient

³ LPA reference 16/0284/FUL

facilities for day-to-day activities to accommodate the proposals, or that the proposals would harmfully affect the availability of services and facilities locally.

23. I therefore conclude that the proposals, in combination with other development, would not result in an amount of growth that would be excessive or unsustainable in respect of access to local services and facilities. As such, I find that the proposals would not conflict with SLP policies SS1 or SS2 in this respect. This matter is therefore neutral in the planning balance.

Highway Safety

24. The proposals would increase the amount of traffic using local roads, adding to that generated by other development. Some of these roads, including Fore Street, Waterlake Road and Loveridge Lane are narrow and do not have continuous pavements. Cyclists and pedestrians, for instance schoolchildren going to the primary school or to the bus stops for secondary school, use these roads regularly including as a Safe Route to School. In some places, for example the junction of Waterlake Road with Roman Road or Perry Street, which is used by heavy lorries, have restricted vehicle sight lines. Other roads, such as around the village shop, are congested, and have limited parking or highway visibility.
25. However, traffic using roads in the village is subject to speed limits of 20mph and 30mph and is also constrained by the built-up environment, including its narrow widths, bends and parked cars. As such, traffic speeds are likely to be low. Moreover, the appellants' evidence, undisputed by the Council, is that the proposals would generate only a relatively small number and frequency of trips during each peak hour. Accordingly, the number of movements from the site would not be unduly significant.
26. The proposals include the provision of a dropped kerb crossing points of Fore Street, opposite each proposed entrance. These would provide a connection with Bulls Lane and Langdons Way, which connect to the primary school, shop and other facilities, using existing roads that largely have footways. There are therefore alternatives to Fore Street or Waterlake Road for some journeys. The A358 on the edge of the village has few places to pass cyclists, causing traffic delays. I saw its junction with Fore Street, including at peak times, and I am told it is subject to frequent collisions. However, I have little data to demonstrate this, or that the proposal would make the risk of collisions materially worse.
27. Each of the two sites would have their own separate accesses from Fore Street, both fairly close to each other. This provision differs from an earlier planning application, where I understand that a single entrance was proposed to serve both sites. However, the evidence before me is that simultaneous use of both accesses would be of limited frequency, and I have little to show that the arrangement would be inherently dangerous. Having undertaken a safety audit, the former County Council as Highway Authority did not object to the proposals. The audit did identify detailed measures to ensure the suitability of the accesses. These could be secured by highway regulatory approval or at reserved matters stage.
28. Consequently, whether taken by themselves or cumulatively, including with other development, I conclude that the Appeal A and B proposals would not have a harmful effect on highway safety. They would therefore accord with

SSLP Policy TA5, which requires that proposals have a safe and convenient access and would not have a detrimental impact on the safety or function of the road network. The proposals would similarly comply with the aim of the Framework for safe and suitable access. It follows that this matter is neutral in the planning balance.

Other Considerations

29. There is no dispute that the Council cannot demonstrate a five-year supply of housing land. In such circumstances, in accordance with Framework Paragraph 11, the policies which are most important for determining the application are deemed to be out-of-date and permission should be granted unless Framework paragraphs 11(d)(i) or (ii) apply. However, in this case, in light of my findings regarding the effect of the proposal on the habitats site of the River Axe SAC and SSSI, in accordance with Framework paragraph 182, the presumption in favour of sustainable development does not apply. Accordingly, the tilted balance set out at Framework Paragraph 11 is not engaged.
30. Nevertheless, the Framework seeks to significantly boost the supply of housing. Each proposal would make a positive contribution to this, of 35 and 13 dwellings respectively. As such, I give significant positive weight to the contribution of the proposals to housing supply.
31. Future occupiers of the proposal would make a positive social and economic contribution to the village, for example to bus services or to the village shop. Construction of the proposals would provide direct and indirect economic benefits for example for those employed in the building industry. The proposals would deliver 12 and 5 units of affordable housing respectively. They would also provide new landscaping and public open space, as well as the provision of a bat box and reptile hibernation sites. I give these benefits moderate positive weight.

Other Matters

32. Local residents have raised concerns that the proposals would worsen problems of ongoing flooding of nearby properties. The proposals include engineered surface drainage solutions including potential additional surface water storage capacity and attenuation measures. As such, I have little reason to doubt the advice of the Local Lead Flood Authority, that subject to conditions, the proposals can adequately deal with surface water drainage.
33. Concerns have also been raised about the effect of the proposal on the landscape. However, the proposals would be contained within the existing built form of the village, and so its landscape effects would be limited. They would not therefore cause significant harm to the character or appearance of the area. The main parties disagree about whether the submitted UUs are adequate and enforceable, including in respect of their terms, definitions, and construction. However, in light of my overall findings, these matters are not crucial to my determination, and so I have not considered them further.

Planning Balance and Conclusion

34. Taking all the benefits of the proposals together into consideration, when balanced against with the harms that would arise from the proposals, I conclude that the harms would outweigh the benefits in each appeal.

35. For the reasons given, both proposals would conflict with the Development Plan as a whole. I find that the material considerations in these cases, including the Framework, do not have sufficient weight to warrant decisions other than in accordance with the Development Plan. Appeal A and Appeal B are therefore dismissed.

O Marigold

INSPECTOR

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Costs Decisions

Site visit made on 12 September 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 October 2023

Costs application A in relation to Appeal Ref: APP/R3325/W/23/3317386 Land to the north of Fore Street, Tatworth, South Somerset, TA20 2SJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Joint Appeal Brewer, Lillington Land Allocation Ltd for a full award of costs against South Somerset District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for outline planning permission with all matters reserved, except for access, for up to 35 dwellings.
-

Costs application B in relation to Appeal Ref: APP/R3325/W/23/3317387 Land to the north of Fore Street, Tatworth, South Somerset, TA20 2SJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Joint Appeal Brewer, Lillington Land Allocation Ltd for a full award of costs against South Somerset District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for outline planning permission with all matters reserved, except for access, for up to 13 dwellings.
-

Decisions

1. Applications A and B for an award of costs are partially allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG¹ advises that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples of this include a failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised, or inaccurate assertions about the impact of a proposal, which are unsupported by any objective analysis.
4. In respect of the scale of the proposals, the Council has highlighted housing growth in the area to date, as well as limited information about possible future development. However, in seeking to justify its case, the Council has provided little evidence or objective analysis to substantiate its case that the Appeal A and B proposals would have an identified impact on specific local services and

¹ Paragraph: 049 Reference ID: 16-049-20140306

- facilities. As such, it has provided only generalised assertions that the proposals would result in excessive or unsustainable growth.
5. In respect of highway safety, the Council has identified constraints within the highway network, including its narrow sections without pavements, and that local roads are used by cyclists and pedestrians, including as a Safe Route to School. However, the Council has made only generalised concerns about the effects of the proposals in this respect. It has provided little detailed technical transport evidence to counter that provided by the applicants in respect of highway safety, or to justify its concerns contrary to the advice of the Highway Authority.
 6. In respect of ecological data, the stance of the Council reflected the view of one of its consultees. Surveys of species such as bats, reptiles and dormice were undertaken by the applicants and submitted with the appeals. However, I have found that the length of time since they were undertaken means that they do not provide a fully up-to-date assessment of the ecology of the site. Furthermore, this is not a matter that can be left to planning condition. The Council has therefore not been unreasonable in its behaviour in respect of this issue.
 7. The PPG advises that, in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period. Although the Council did not determine the application within the period, it has made its concerns clear in its Statement of Case, within the timescales required by the appeal process.
 8. These concerns were the same as those raised by the Council in its decision to refuse an earlier application, except that information from Natural England which post-dated that decision meant that the effect of the proposals on phosphates became a further issue. Part of the delay in determining the appeal applications related to the need to secure mitigation for this. As I have found, the proposals do not provide sufficient mitigation in respect of phosphates and so its concerns and delay in this respect were not unreasonable.
 9. The applicants believe that the Council has not engaged in the drafting or negotiation of the Unilateral Undertakings (UUs). However, the Council has provided detailed comments in response to the submitted UUs. As such, the Council has not been unreasonable because of its delay in reaching decisions on the appeal applications, or in its handling of the UUs.
 10. Consequently, I consider that the Council has behaved unreasonably with respect to the substance of its case but only with regard to its second and third putative reasons for refusal, namely the effect of the proposals on services and facilities locally, and highway safety. In respect of these matters, it has caused the applicants to incur unnecessary or wasted expense in the appeal process.

Conclusion

11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the effect of the proposals on services and facilities locally, and in respect of highway safety, and a partial award of costs is therefore warranted.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Joint Appeal Brewer, Lillington Land Allocation Ltd, the costs of the appeal proceedings described in the headings of these decisions, limited to those costs incurred with regard to the effect of the proposals on services and facilities locally, and in respect of highway safety; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicants are now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

O Marigold

INSPECTOR

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Appeal Decisions

Site visit made on 5 September 2023

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal A Ref: APP/R3325/W/22/3301027

24 High Street, Wincanton, Somerset BA9 9JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Fazlur Rahman against South Somerset District Council.
 - The application Ref 21/03112/FUL, is dated 15 October 2021.
 - The development proposed is described as 'Alterations to shopfront.'
-

Appeal B Ref: APP/R3325/Y/22/3301032

24 High Street, Wincanton, Somerset BA9 9JF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Fazlur Rahman against South Somerset District Council.
 - The application Ref 21/03113/LBC, is dated 15 October 2021.
 - The works proposed are described as 'Alterations to shopfront.'
-

Decisions

1. Appeal A is dismissed and planning permission is refused.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matters

3. The address given on the original application forms refer to 24 High Street. However, the appeal site, as denoted by the red line on the location plans submitted, includes the adjacent property 26 High Street. No.24 High Street is a Grade II listed building (List Entry Number: 1238664), while no.26 is not listed. The appeal site is also located within the Wincanton Conservation Area (CA). Accordingly, and as relevant, I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. On 1 April 2023, South Somerset District Council (SSDC) ceased, and the administrative area became part of Somerset Council. Nevertheless, both applications were submitted to SSDC and it was the local planning authority (LPA) at the time of the submission of the appeals. Hence, I have referred to SSDC in my heading above. The development plan for the former district remains the South Somerset Local Plan 2006-2028, March 2015 (LP).
5. The National Planning Policy Framework (the Framework) was updated on 5 September 2023 and after the submission of the appeals. The historic

environment policies have remained unchanged within the new version of the Framework, which is a material consideration in planning decisions.

6. Both appeals are made owing to the failure by the LPA to determine the respective applications within the requisite period. The LPA has confirmed¹ that had it been able to make the determinations, then it would have refused both applications for a similar reason. Namely, in relation to a failure to identify the significance of relevant heritage assets which prevents a proper assessment of the effects of the proposals. The case is also put that the development and works would conflict with policies SD1, EQ2 and EQ3 of the LP. The LPA's putative reason for refusal has informed my framing of the main issues in these appeals.

Main Issues

7. The main issues in both appeals are the effect of the proposed works and development on the Grade II listed building, 24 High Street, its setting or and any features of special architectural or historic interest it possesses; and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

Significance and special interest

8. The appeal site comprises two adjoining properties that occupy the south side of High Street in central Wincanton. The Grade II listed building (no.24) is mid-terrace; two storeys plus attic and is constructed in local stone rubble, with a plain clay tile mansard roof with brick end chimney stacks. According to the statutory list description, it dates to the late 18th century, although much altered in the 20th century including a 1980s shopfront across the whole ground floor. The statutory list entry specifically identifies the building's group value.
9. The significance and special interest of no.24 is, in part, drawn from its surviving historic fabric and architectural qualities as an example of an 18th century town building. The even spacing of 12-pane timber sash windows and eaves cornice contribute to a balanced form and are features that contribute to the building's architectural interest. Significance and special interest also comes from the integral contribution no.24 makes within a series of attractive vernacular buildings lining the High Street, indicative of its wider group value. I observed that the extant c.1980s shopfront at no.24 has a disproportionately wide fascia board, crude pilasters, expansive glazing and an off-centre main doorway. Overall, these have introduced unsympathetic proportions and detailing to the building's frontage, weakening its architectural quality and interest at ground floor level.
10. Internally, the submitted floor plans show the interior of the ground floor shop unit of no.24 comprises a large, mostly open area with little evidence of any notable historic detailing, plan-form or fittings. Even so, legibility of the overall plot width, separation from neighbouring properties as well as historic fabric survives within the party walls, which does contribute to its architectural and historic significance.

¹ Paragraph 6.1, Statement of Somerset Council

11. Wincanton had a medieval market and status as a borough, factors that are still legible in the layout of the streets, public spaces and probable former burgrave plots within the settlement. Because of its location on main coaching and railway routes, the town prospered over time. The CA designation includes the older and notable parts of the historic market town of Wincanton. The built development of the town over many centuries is, to this day reflected in the historic core of the CA around the marketplace and shop units along the High Street. Hence, part of the significance of the CA is derived from the historic townscape and rich architectural heritage found in the long rows of vernacular development lining the High Street, which includes the appeal site.
12. The Wincanton Conservation Area Appraisal 2010 (WCAA)² refers to the concentration of listed buildings in this area and highlights examples of good quality shopfronts. It further states that some mid-20th century shop fronts are characterised by inappropriate colours and materials, with flat fascias, little detailing and poor lettering and acknowledges that there is scope for progressive improvement. My observations were that the unsympathetic proportions and detailing of the shopfront at no.24 would broadly meet that description.
13. Even so, overall, the appeal site and no.24, retain attractive aesthetic qualities that make a positive contribution to the distinctive character and appearance of the High Street and CA as a whole.

The effect on the listed building and CA

14. The proposed works and development would involve alterations to the shopfronts at both no.24 and no.26. Internally, it is proposed to create a new opening in the side wall that separates the two properties, to facilitate the use of no.24 as part of the restaurant already established at no.26. The proposals would also introduce some internal partitions within the ground floor unit at no.24.
15. The shopfront element of the proposals would retain the disproportionately wide fascia board of the extant shopfront at no.24 as well as introducing a rendered blockwork dwarf wall. A similar blockwork wall with a 'terylene buff' coloured finish is proposed at no.26. Anthracite-coloured aluminium glazing bars and cills would house triple glazed sealed units above. Furthermore, the doorway at no.24 would be reduced in size to be used as a fire exit and positioned to the edge of the frontage, flush with the glazing. This would mean the principal entrance to the appeal site would be through no.26.
16. Overall, I consider that the design, proportions and modern materials of the proposed shopfront alterations would compound the unsympathetic and uncharacteristic impact of the extant 1980s shopfront. Indeed, the fascia board, dwarf wall and large windows would have an uncompromising modern appearance and finish that lacks refinement. They would give an unsympathetic and crude horizontal emphasis to the principal elevation. This would contrast discordantly with the proportions, symmetry and traditional detailing of the upper part of the frontage.
17. Other than physical proximity, there is no evidence to indicate that the two properties had any physical link through their shared party wall. Rather, the

² Pages 10 and 15

long narrow nature of the respective plots is indicative of a traditional 'burgage' plot that is typical of medieval market towns and a feature of the CA. Creating an opening between the two would not only result in the likely loss of some, albeit small, amount of historic fabric, it would blur the distinction between the two, historically separate, properties. In addition, the relegation of the main entranceway to a fire door in the principal elevation of no.24 would undermine the legibility, balance and architectural integrity of its frontage composition and overall group value. Moreover, using the entrance at no.26 as the main way into no.24 would adversely interfere with the traditional way to access the building off the High Street.

18. There are elements of the scheme that would not be intrinsically harmful, such as the introduction of stud partitions to create a w/c and installation of a servery. However, the combination of the proposals would exacerbate the already brutal and detrimental impact of the extant shopfront at no.24. The opening into no.26 would cause further harm to its special interest and significance. Based on the evidence available to me including my own observations, the proposals would fail to preserve the special interest of the Grade II listed building. Conflict would therefore arise with sections 16(2) and 66(1) of the Act.
19. In terms of the CA, the WCAA identifies opportunities for beneficial change³, specifically referring to no.24 as an 18th century property that would benefit from repair work. The proposals would compound rather than rectify the unsympathetic proportions and detailing of the shopfront at no.24. Moreover, the proposed use of matching detailing and emphasis of the entrance to no.26 would cause the two properties to read as one. This would reduce legibility of the historic narrow plot width and traditional townscape along the High Street, that would fail to preserve or enhance the character or appearance of the CA as a whole. There would therefore also be conflict with section 72(1) of the Act.
20. In terms of the Framework, it follows that the proposals would cause harm to the significance of both the listed building and the CA as designated heritage assets. Given the relatively modest nature of the proposals, the degree of harm to the significance of each asset would be less than substantial. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. While paragraph 202 indicates that this harm should be weighed against the public benefits of the proposals including, where appropriate, securing the asset's optimum viable use.

Heritage balance

21. It has been drawn to my attention that the shop unit at no.24 has been vacant for a considerable period, which has not assisted its condition. The proposals would be likely to bring investment and regular maintenance to the fabric of the listed building by reinstating an active use as well as, potentially, vibrancy along High Street and the CA. Whilst I accept that risks of neglect and decay of heritage assets are best addressed through ensuring they remain in active use, that ought to be consistent with, rather than at the expense of, their heritage value.

22. Moreover, there would likely be economic and employment benefits associated with the expansion of the existing restaurant business, as well as those in the shorter term associated with the construction phase.
23. Bearing in mind the evidence that suggests the High Street has been struggling economically in general terms, the importance of these benefits is reinforced by the supportive comments of two ward members for Wincanton as well as Wincanton Town Council, all of whom are likely to have considerable familiarity with the area. Nevertheless, the level of supporting information provided by the Appellant fails to demonstrate a clear understanding or assessment of potential impact of the proposals on the significance of designated heritage assets. This causes me to doubt whether the nature of the proposals would be the most sensitive to ensure the assets would be conserved in a manner appropriate to their significance.
24. The lack of clear and convincing justification for the nature of the proposals further causes me to doubt whether the wider public benefits could be achieved without the harms identified. This tempers the weight afforded to public benefits of the proposal to a moderate level, even if they would secure an optimum viable use at no.24.
25. Balanced against this is the great weight⁴ carried by the less than substantial harm to each designated heritage asset. Hence, I find that the sum of public benefits would not be sufficient to outweigh the less than substantial harm to the significance of the designated heritage assets identified. Conflict therefore arises with the historic environment protection policies within the Framework.
26. I further find that there would be conflict with policies EQ2 and EQ3 of the LP, insofar as these require proposals achieve a high quality of design which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district; and seeks to conserve, and where appropriate enhance heritage assets.

Other matters

27. Reference is made to planning permission⁵ having been granted to reduce the height of the shopfront at no.24. The drawing provided (numbered 2045-02B) refers to proposed alterations at 22 and 24 High Street, so it is not clearly shown how it relates to the appeal site, which inhibits a comparison with the schemes before me. Nevertheless, the limited information provided indicates a development that incorporates timber joinery and the retention of a main entrance door. Consequently, it is not demonstrated that the approved development is directly comparable to the appeal proposals, nor that corresponding listed building consent was obtained. Whilst I have credited it with limited favourable weight, it is not a matter that would lead me to a different view in relation to the main issues.
28. The appellant and some of the representations received are critical of the way the LPA handled the applications, and ultimately failed to make formal determinations. However, the behaviour of the LPA is not a matter that lies within the scope of my determination of the appeals, which have been decided on their merits.

⁴ Paragraph 199, National Planning Policy Framework

⁵ Reference 15/04548 relating to planning approval reference 13/04663/FUL, Appellant's response letter dated 2.3.23

Conclusions – both appeals

29. I have found that the works and development would conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as the heritage and design policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified. In relation to Appeal A, material considerations do not indicate I should make a decision other than in accordance with the development plan.
30. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

INSPECTOR