

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - SOUTH

Tuesday, 26 March 2024 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, 25 March 2024** 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 recorded and then uploaded to YouTube following the meeting.

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, 15 March 2024.

AGENDA

Planning Committee - South - 2.00 pm Tuesday, 26 March 2024

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

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 14)

Click here to join the online meeting (Pages 15 - 16)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 17 - 26)

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 democraticservicsteam@somerset.gov.uk by 5pm on Wednesday, 20 March 2024.

5 Planning Application 23/01649/FUL - Land North of Broadway Hill, Broadway Hill, Horton, Ilminster. (Pages 27 - 92)

To consider an application for the construction of 49 dwellings and formation of vehicular access,

6 Planning Application 22/00180/OUT - Land Adjoining Wheathill Lane, Milborne Port. (Pages 93 - 174)

To consider an outline planning application for up to 58 dwellings, sustainable drainage infrastructure, new open space including allotments, parking area for neighbouring cemetery, landscaping and associated infrastructure with all matters reserved except access.

7 Planning Application 23/03213/HOU - 6 The Meads, Milborne Port DT9 5DS (Pages 175 - 180)

To consider an application for a proposed two storey side extension and alterations.

8 Planning Application 22/03341/FUL - Land Rear of Council Offices, Churchfields, High Street, Wincanton. (Pages 181 - 200)

To consider an application for the erection of 4No. dwellings, alteration to parking layout and formation of new access.

9 Appeal Decisions (for information) (Pages 201 - 228)

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.



Councillor reminder for declaring interests

The [Members Code of Conduct](#) deals with declaration of interests and participation at meetings.

Non participation in case of Disclosable Pecuniary Interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests**, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest,

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Non-Registrable Interest relates to –

- 1) an unpaid directorship on a company owned by your authority or
- 2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

*1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.

2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.

3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.

4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.

6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

**a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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Planning Committee – South – 26 March 2024

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Minutes of a Meeting of the Planning Committee - South held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 27 February 2024 at 2.00 pm

Present:

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

Cllr Steve Ashton	Cllr Mike Best
Cllr Henry Hobhouse	Cllr Andy Kendall
Cllr Jenny Kenton	Cllr Tim Kerley
Cllr Oliver Patrick (left 3.55pm)	Cllr Evie Potts-Jones

In attendance:

Cllr Tony Lock	Cllr Jo Roundell Greene
Cllr Adam Dance	

76 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Sue Osborne, Jeny Snell and Martin Wale.

There were no substitute members present at the meeting.

77 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - South held on 30th January 2024 be confirmed as a correct record.

78 Declarations of Interest - Agenda Item 3

Members of the Planning South Committee present at the meeting have declared the following other registerable interests in their capacity as a councillor of a Town or Parish Council or any other Local Authority:

Steve Ashton – Crewkerne Town Council, Hinton St George Parish Council and West & Middle Chinnock Parish Council
Jason Baker – Chard Town Council
Mike Best – Crewkerne Town Council
Andy Kendall – Yeovil Town Council
Jenny Kenton – Chard Town Council
Tim Kerley – Somerton Town Council
Evie Potts-Jones – Yeovil Town Council
Peter Seib – Brympton Parish Council and Chilthorne Domer Parish Council

79 Public Question Time - Agenda Item 4

There were no questions from members of the public.

80 Planning Application 22/02118/OUT - Land West of Silver Street, South Petherton TA13 5AN - Agenda Item 5

The Planning Officer presented the application as detailed in the agenda report and reminded members of the reason why the application had been deferred at the previous meeting of the committee. With the aid of a Powerpoint presentation he highlighted key elements of the proposal including:

- This was an outline application to consider the principle of development and the access only.
- Indicative site layout and location plans
- Proposed access to the site
- Location of the existing garage on Silver Street to be demolished to provide a footpath link between the site and Silver Street.
- Acknowledged the access would require a significant engineering solution and there would be a change to the street scene.
- Following the previous meeting of the committee, a landscape architect had reviewed the applicant's landscape visual impact assessment (LVIA) – and found that he agreed with the LVIA overall conclusion. The key points from the review were summarised to members.
- Reasons for the recommendation of approval and key considerations including:
 - Sustainable location
 - Lack of five-year housing land supply
 - No objections from the Highway Authority
 - A satisfactory phosphates solution had been agreed.
 - Key considerations - principle of development and the impact on the

character of the area.

- In order to secure access details, an additional condition had been added to the current agenda report to ensure further details are agreed at the reserved matters stage.

The application was recommended for approval subject to the planning obligations and conditions as set out in the agenda report.

Four members of the public addressed the committee in objection to the application. Some of their points raised included:

- The proposal is contrary to the South Petherton Neighbourhood Plan and feel also against some policies in the Local Plan.
- Very little support locally for the application.
- Engineering required for the access through the bank would be major works, and the access would be an incongruous feature in the street scene of the area.
- There will be a significant change of view to everyone who lives on or uses Silver Street. There will be landscape harm that outweighs any benefits.
- Reference to nearby appeal decision of 2019 where the Inspector refused development of houses due to significant harm to the area.
- The proposed new path from the development to Silver Street will require steps and so will not be suitable for all users. The main alternative route would be to use Silver Street where there are no pavements.
- Reference to the gradients for access – little evidence in the applicants submission that the gradients required by Highways can be achieved.
- Question if the required visibility splays can be achieved at the carriageway edge due to gradients, parked cars and a nearby fence.
- Concerns about highway safety with the potential increase in traffic, speed, and the nature of the proposed access junction.
- The lack of information regarding access makes the application flawed. The proposal contravenes several policies in the Local Plan including EQ2 and EQ4.
- Loss of grade 2 agricultural land. The landscape on Silver Street and the wider area will be changed, the proposed development will cause demonstrable harm.
- There's a dwelling recently built further down the road and that applicant was advised their dwelling should not be built above the skyline to avoid damaging the landscape – so why is this outline application for development considered acceptable when it is sited on the ridge?
- This community have commissioned several reports by qualified experts all of which discredit this application.

A member of the public and the Landscape Architect for the applicant spoke in support of the application. Some of the points they raised included:

- Feel some of the comments raised at the previous meeting were misleading and to address some of those points:
 - There is no need for people to walk in the road as at the top of the hill there is a footpath that goes through to the doctors and hospital.
 - Cottages on Silver Street with access to the parking area all have doors at the first floor level so providing direct access.
 - With the indicative siting of dwellings together with the landscaping planned - do not feel the development will be very visible when approaching from Martock. Acknowledge site may be visible from some houses on Silver Street or Stoodham.
- Highlighted some aspects of the LVIA including:
 - The proposed dwellings set at a similar elevation to other developments in the village.
 - The proposed access and landscaping.
 - Not a designated landscape nor is it a valued landscape as per the NPPF.
 - Low density development.

A representative for South Petherton Parish Council addressed members, and some of the points she raised included:

- Full details of access are required. There is conflicting information about the proposed pedestrian access – both for the new path where the garage is to be demolished and at the new vehicle access. Due to gradients on site and in the neighbouring locality steps will be needed or multiple ramps, or alternatively use the road. The proposed pedestrian access is flawed and will cause stress and discomfort to many users and will not be accessible to all.
- The submitted plans lack sufficient detail. The flaws are significant and demonstrable.
- Ask that the application be refused on the grounds of sustainability and contravenes policy.

Division member, Councillor Jo Roundell Greene addressed the committee and referred to planning policies. She felt the Highways report was misleading and that the access needed to be looked at again. The proposed development of the site was contrary to the Neighbourhood Plan and also against policies in the Local Plan, and would be out of keeping with the local area.

Division member, Councillor Adam Dance thanked the public speakers for their comments and the depth of their objections. He felt the speakers in objection had provided a number of planning reasons to refuse the application. He also referred to

the parking provision to the rear of some of the properties on Silver Street and noted the elevation of the land in relation to those properties. There were several applications coming forward in South Petherton and this one was considered the most detrimental to the community. He asked members to support the local community and the Neighbourhood Plan and refuse the application.

The applicant addressed the committee and reminded members that this was an outline application considering access only and other matters were not for consideration at this stage. Some of the points he made included:

- New development was essential for sustaining communities.
- References made by speakers to an appeal on a different site was not relevant to this application.
- Images of pedestrians in the road were misleading as there were other pathways nearby.
- The garage to be demolished was used for storage only and would make way for a step free path that would comply with regulations.
- The perceived impact of development was localised. Long distant views of the site would be in context with the surrounding built environment.
- Highways had not raised any objection.
- The benefits of the scheme outweighed any perceived harm.

In response to points raised by the public speakers, the Planning Officer clarified:

- A condition had been added to the current agenda report to secure access details and to ensure further details are agreed at the reserved matters stage.
- Reiterated this was an outline application considering access only. All dwellings shown in the presentation were indicative only and were not for approval at this stage.

The Planning Officer and Highways Planning Liaison Officer responded to questions and points of detail raised by members, including:

- Clarity about which aspects of the access to be agreed at this outline stage.
- Information about the staggered crossroads junction, traffic and pedestrian access.
- Full details of the new pedestrian path were for the reserved matters stage.
- The new pedestrian access was integral to the acceptability of the scheme.
- The opinion of the planning authority was that the demolition of the garage and changes to the street scene of Silver Street would not be so harmful as to warrant recommending refusal of the application.
- The garage to be demolished was not a listed building or heritage asset.

During discussion mixed views were raised. Some of the comments included:

- There is reference to loss of character regarding the bank and the access, but

feel demolition of the garage will cause a greater loss of character, and be harmful to the character of the street.

- The description of garage is misleading as it looks like more than a simple garage.
- CGIs of the new pathway in place of the garage would have been useful.
- There were many negatives about this application but few positives.
- People need affordable homes in this part of Somerset.
- Need to be clear what it will look like if the garage is demolished.
- Some of the comments raised by public speakers regarding policies were well made, but unfortunately also need to consider the lack of a five year land supply.
- Feel lacking solid planning reasons to refuse the application.
- Note there have been a number of social houses built recently in the South Petherton area.
- Concerned for cyclists and pedestrians at the proposed new junction.
- Don't consider demolition of the garage would be detrimental to the street scene.

At the conclusion of debate, it was proposed by the Chairman and seconded by Councillor Oliver Patrick, to approve the application subject to a Section 106 planning obligation and imposition of conditions, as per the officer recommendation detailed as in the agenda report.

On being put to the vote, there were 5 votes in favour, 5 against with no abstentions. The Chairman then exercised his casting vote in favour of approving the application.

RESOLVED:

That planning application 22/02118/OUT for the demolition of single garage, and the erection of 40 no dwellings (26 market & 14 affordable); considering access only, with all other matters reserved at Land West of Silver Street, South Petherton be APPROVED, subject to the prior completion of a section 106 planning obligation and the imposition of conditions as per the officer recommendation as detailed in the agenda report.

(voting: 5 in favour, 5 against, 0 abstentions - the Chairman then exercised his casting vote in favour of approving the application)

81 Planning Application 23/02730/REM - Holly Tree Farm, Longstrings Lane, Crewkerne TA18 7EA - Agenda Item 6

The Planning Officer presented the application as detailed in the agenda report and with the aid of a Powerpoint presentation she highlighted key elements of the proposal including:

- Principle of development had already been established at approval of the outline application.
- Site and location plans.
- Proposed elevation plans.
- Proposed heights, wrap around balconies and outside steps which if approved would require additional handrails.
- Proposed floor plans.
- Reasons for the recommendation of refusal and key considerations including:
 - Principle – accepted and established through outline planning permission.
 - Design, Scale and Layout - concerns regarding the quality proposed and the need to comply with planning policy and the NPPF. Believe the design to be unacceptable and out of keeping with the rural area and would cause unduly harm and prominence to the landscape. It was however noted the proposed scale of the buildings was smaller than permitted at outline.
 - Somerset Levels and Moors Ramsar – Phosphates – Scheme would be served by Package Treatment Plant and satisfies the small scale threshold and therefore acceptable,
 - Scheme has been amended to overcome previous reasons for refusal such as :
 - Amenity
 - Highways Safety
 - Drainage
 - Ecology

The application was recommended for refusal for the reasons as set out in the agenda report.

One member of the public addressed the committee in support of the application. Some of his points raised included:

- Voiced disappointment of the timescales involved in the determination of the application.
- Proposal of two dwellings meets that already approved at outline application.
- Scheme is now proposed to be less the overall footprint than that approved at the outline application.
- Compliant with all approved conditions.
- Will provide for multigenerational living and makes most use of the

environment.

- Located in lowest area of site and therefore cannot be seen apart from along some areas of Longstrings Lane.

The applicant addressed the committee. Some of the points he made included:

- Application had received a significant amount of local support.
- Scheme has already been permitted at the outline application stage.
- No objections had been received from statutory consultees.
- Law and guidance should allow self-build development to be built to the design and specification of the occupant.
- Believe the design statement to be relevant.
- Site surrounded by hedgerow and trees and therefore cannot be seen or impact the wider landscape.
- Crewkerne Town Council are in support of the application.
- The Council's current lack of five year housing land supply engages the titled balance.

In response to points raised by the public speakers, the Planning Officer accepted that design was subjective and acknowledged the frustration of the applicant in the delay in the determination of the application.

The Planning Officer also responded to questions and points of detail raised by members, including:

- Clarified that the previous South Somerset District Council Area West Committee had approved the outline application.
- Should members be minded to approve the application, a condition could be imposed regarding the details of the external staircase to officers to consider the design and impact etc. She noted there would be a requirement for structural supports and guard rail etc which would add additional bulk to the design of the building so would need to be considered.

During discussion several comments were made, some of these included:

- Noted on balance that Crewkerne Town Council were in support of the application along with the local residents.
- Satisfied that there would be no impact of overlooking.
- Acknowledged the frustrations regarding the length of time taken to determine the application.
- Design is subjective and therefore should appreciate the needs of the applicant and the aspirations of self build to help future proof and support multigenerational living.
- Consider the location to be well shielded by hedgerows and trees and therefore secluded from view.

- Acknowledge the concerns of the Planning officer but on balance believe the proposal to be acceptable.
- Believe the design to be incongruous to the area.

During a further discussion the majority of members expressed their support of the application and sought advice and clarification from the Planning Officer regarding suitable conditions to be imposed should they be minded to approve the application.

The Planning Officer advised that standard conditions were already applied to the approved outline application and that additional conditions should include:

- Approved plans
- Materials
- Details of external staircase
- Details of Boundary treatments
- Electrical vehicle charging points
- Foul drainage (PTP)
- Consumption of wholesome water

She also suggested that informatives regarding protective species, the public right of way and foul drainage be included.

Following a further discussion members voiced their support of the conditions and agreed the following reason to approve the application:

‘The proposed development, by virtue of the design, layout, form, scale and massing is acceptable and would cause no significant impact on the landscape character and appearance of this rural area and does comply to the SSDC Local Plan 2006-2028’.

It was then proposed by Councillor Mike Best and seconded by the Chair, to approve the application, contrary to the officer recommendation, for the reason already stated and subject to the following conditions to include:

- Approved plans
- Materials
- Details of external staircase
- Details of Boundary treatments
- Electrical vehicle charging points
- Foul drainage (PTP)
- Consumption of wholesome water

Plus, informatives regarding protective species, the public right or way and foul drainage.

On being put to the vote, this was carried by 7 votes in favour, 2 against with no abstentions.

RESOLVED:

That planning application 23/02730/REM Reserved Matters application for approval of appearance, layout and scale of approval 19/02921/OUT for the erection of 2 dwellings at Holly Tree Farm, Longstrings Lane, Crewkerne TA18 7EA be APPROVED, contrary to the officer recommendation, for the following reason:

The proposed development, by virtue of the design, layout, form, scale and massing is acceptable and would cause no significant impact on the landscape character and appearance of this rural area and does comply to the SSDC Local Plan 2006-2028.

Subject to the following conditions to include:

- Approved plans
- Materials
- Details of external staircase
- Details of Boundary treatments
- Electrical vehicle charging points
- Foul drainage (PTP)
- Consumption of wholesome water

Plus, informatives regarding protective species, the public right of way and foul drainage.

Full wording to be delegated to officers.

(voting: 7 in favour, 2 against, 0 abstentions)

82 Appeal Decisions (for information) - Agenda Item 7

Members noted the Planning Appeals.

(The meeting ended at 4.07 pm)

.....
CHAIR

Officer Report On Planning Application: 23/01649/FUL

Proposal:	Construction of 49 dwellings and formation of vehicular access
Site Address:	Land North Of Broadway Hill, Broadway Hill, Horton, Ilminster, Somerset, TA19 9QU
Parish:	Horton
ILMINSTER Division	Cllr Val Keitch and Cllr Sue Osborne
Recommending Case Officer:	Catherine Tyrer (Principal Specialist)
Target date:	17th October 2023
Applicant:	Galion Ltd
Agent: (no agent if blank)	Mr Eric Telford, Wienerberger House, Brooks Drive, Royal Business Park, Manchester SK8 3SA
Application Type:	Major Dwlg 10 or more or site 0.5ha+

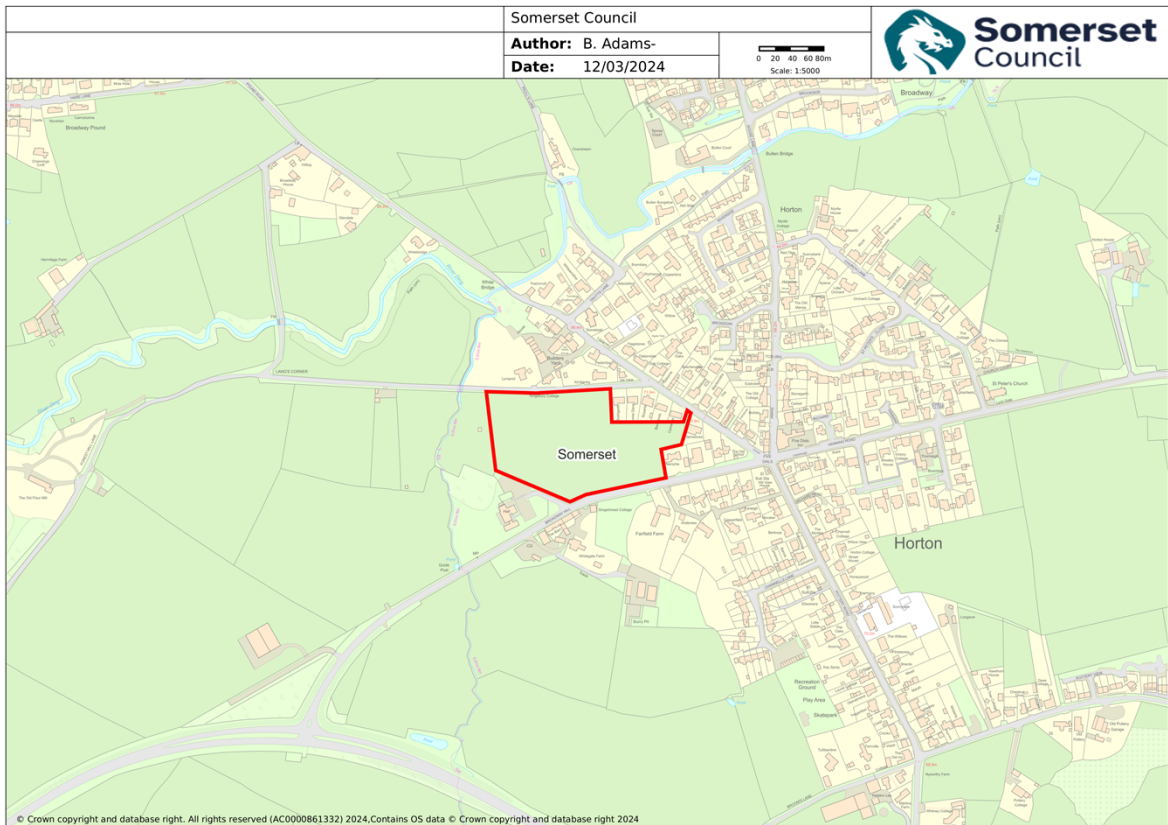
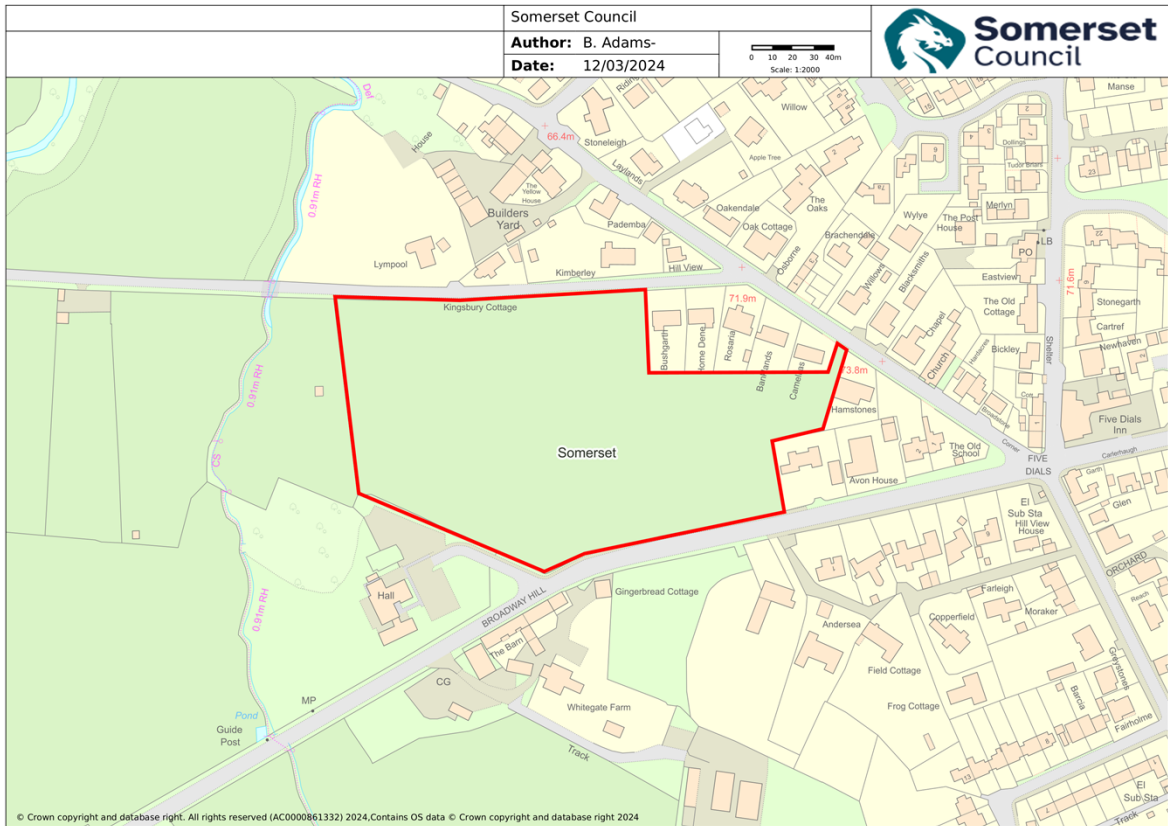
REASON FOR REFERRAL:

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

This application is a resubmission following the refusal of a previous application for a similar scheme (ref: 20/03277/FUL), which was refused for three reasons, relating to (i) lack of services to meet day to day needs and reliance on the private motor car, (ii) does not deliver social and community infrastructure, and (iii) design of dwellings at site entrance.

The scheme has been amended since that previously proposed, with changes proposed to the design and layout of properties close to the site entrance and other amendments intended to address concerns raised by local residents.

SITE DESCRIPTION AND PROPOSAL



Site Description:

The approx. 2.35ha. application site comprises an agricultural field, currently grassed used for grazing, with Broadway Hill bounding the site to the south and Forest Mill Lane to the north. The site is located to the rear (generally westwards) of a group of dwellings that front onto Pound Road, Broadway Hill and Forest Mill Lane.

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

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

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

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

Constraints include:

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

Description of Proposal:

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

The scheme would include 17 affordable housing units and 32 open market housing units. It proposes 1,349sqm of on-site public open space and associated landscaping.

The mix of market housing was amended during the course of the application, and is

now as proposed follows:

- 4 x 2-bed units
- 18 x 3-bed units
- 10 x 4-bed units

The mix of affordable housing proposed is as follows:

- 2 x 1-bed units
- 7 x 7-bed units
- 7 x 3-bed units
- 1 x 4-bed unit

Car parking is proposed in the form of allocated parking spaces to the front/side of properties, unallocated parking spaces and car ports, with a total of 165 parking spaces (including 49 electric vehicle charging points).

The majority of units would be detached, with some semi-detached and terraced properties. All houses have access to a private garden area. The majority of houses proposed are two-storey in height, with those in the in the centre/northern section of the site (B1 and B2 house types) being 1.5 storey dwellings.

There are two areas of public open space - in the north west corner of the site (513sq.m) and in a central location opposite the site entrance (736sq.m) and a small area (103sq.m) to the south of the main loop road.

Off-site phosphate mitigation is proposed in the form of the temporary fallowing of 52ha of agricultural land at Manor Farm, West Lydford until the Wessex AMP7 works are completed at the Broadway Waste Water treatment Works and permanently fallow or plant woodland on 6.6ha of land at Manor Farm post-completion of the AMP7 works.

This application is the resubmission of the previous application (ref: 20/03277/FUL) which was refused. While the scheme is broadly similar, some amendments have been made to the design and layout, which primarily relate to the following:

- Plots 4 and 5 redesigned so Plot 4 is parallel to Broadway Hill and the dwellings are set back to follow the informal building line on Broadway Hill and the dwellings on Plots 1-3.
- To enable this change, the 2 x 1-bed flats have been moved from within the site to Plot 4 and the dwellings on Plots 13 and 14 are now a pair of semi-detached properties.

- A number of plots (on the Broadway Hill frontage), Plot 12 and 10-13 have been redesigned with hipped ends. Plot 1 now also reflects the hipped roof design of Neroche.

As mentioned above, some amendments have been made during the course of the application to amend the housing mix.

HISTORY

20/03277/FUL - Erection of 49 dwellings and formation of vehicular access. Refused for following reasons:

1. Notwithstanding the acknowledged benefits deriving from the delivery of housing including policy compliant affordable housing, the site is located within a rural settlement the subject of Local Plan policy SS1 which defines such settlements as comprising part of the countryside and to policy SS2 which defines the circumstances under which development will be permitted and having regard to the provisions of paragraph 5.30 of policy SS2's preamble which explains that within the rural settlement tier there is scope to deliver higher levels of growth at larger settlements for instance with strong employment and good sustainable transport links. Despite the range of facilities that are available within Horton many of these do not meet day to day service needs and those within Broadway are sufficiently separate as to likely require access by private vehicles. As such, the scale of development proposed is likely to result in a significant reliance upon private modes of transport and departs from the provisions of Policies SS1 and SS2 of the Adopted South Somerset Local Plan 2006 - 2028 to manage the levels of growth within rural settlements and for development scale to be commensurate with the range of services and facilities that are available.
2. At the point of determination the application does not satisfactorily deliver social and community infrastructure and necessary nutrient neutrality mitigation required by developments within the Somerset Levels and Moors Ramsar site, and is therefore contrary to the provisions of policies SS6, HG3, HW1 and EQ4 of the Adopted South Somerset Local Plan 2006 - 2028
3. The design of the dwellings framing the site access represents an overly prominent built form that is alien to the more low density dwelling pattern that is located back from the highway reducing the impact of built form that characterises the entrance to the village along Broadway Hill. As such, this part of the development departs from the requirements of Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

South Somerset Local Plan adopted March 2015

SD1 Sustainable Development

SS2 Development in Rural Settlements

SS4 District-Wide Housing Provision

SS6 Infrastructure Delivery

HG3 Provision of Affordable Housing

HG5 Achieving a Mix of Market Housing

TA1 Low Carbon Travel

TA5 Transport Impact of New Development

TA6 Parking Standards

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

EQ1 Addressing Climate Change in South Somerset

EQ2 General Development

EQ3 Historic Environment

EQ4 Biodiversity

EQ5 Green Infrastructure

EQ6 Woodland and Forests

EQ7 Pollution Control

Other material considerations

National Planning Policy Framework (NPPF) 2023

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed and beautiful 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

Somerset County Council, Parking Strategy, September 2013
South Somerset District Council, Community Infrastructure Levy Charging Schedule, November 2016
South Somerset District Council, Five-Year Housing Land Supply Paper, November 2022
South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021
South Somerset District Council, Landscape Assessment, published 1993
South Somerset District Council, Local Housing Needs Assessment, (LHNA), October 2021
South Somerset District Council, Policy HG3 First Homes Position Statement, (FHPS), December 2021

CONSULTATIONS

A summary of the responses received is provided, full copies are available on the Council's online Planning Register.

Active Travel England:

No comment to make as application does not meet the statutory thresholds for its consideration.

Devon and Somerset Fire and Rescue:

No comment

Designing Out Crime Officer:

No objection subject to comments - consider 2 open spaces that could become informal play spaces. Details of lighting required. Consideration to boundary treatment required. Consideration to parking areas and natural surveillance required.

Highway Authority:

Revisited taking into account Highways Authority response to application 20/03277/FUL. Content that the previously noted conditions contained with the LPA committee report would satisfactorily secure the highway related matters. Highways authority therefore withdraws previous recommendations.

Highways Authority has no objections to the development as submitted, provided those conditions previously noted are applied to any permission granted. S106 Agreement should cite s278 Highways Act 1980 and should secure:

- All works either on or directly adjacent to land covered by highway rights

- The Travel Plan

South West Heritage Trust (Archaeology):

The site lies adjacent to an area known to be associated with the manufacture of Donyatt pottery and there is consequently some potential for the presence of associated features and kilns. The proposal is therefore likely to impact on a heritage asset. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest. Recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a geophysical survey and a field Evaluation.

Local Lead Flood Authority (LLFA):

Further comments 8 February 2024 [following submission of further information] - revised assessment which appears more representative of conditions and soil type. At detailed design stage, further consideration will need to be given to reducing the half drain time of tank 2 further and include plot-based source control and rainwater harvesting features (such as rain gardens etc).

LLFA has confirmed not objection in principle subject to use of conditions requiring submission and approval of further information relating to sustainable surface water drainage scheme and an informative.

Further comments 20 September 2023 [following submission of further information] - agreed that infiltration testing and certain calculations can be undertaken at detailed design stage, and if infiltration found feasible the drainage strategy should be amended to incorporate infiltration.

Further information/consideration required regarding the rate of QBAR and SuDs features. Confirmation that a new connection is feasible and details of third-party land ownership and consents. As the proposed drainage strategy depends on the use of attenuation crates, this needs to be updated now as it is not clear what the proposed strategy is. The applicant is advised to update the drainage strategy to match the Micro Drainage calculations and ensure the drawing is adequately labelled so the locations of surcharged manholes can be identified.

Initial comments 11 August 2023 - further information required before appropriate planning conditions can be set.

Natural England:

No objection subject to mitigation being secured and support Somerset Council's adoption of the sHRA. Agree that the development will not adversely affect integrity of Somerset Levels and Moors Ramsar.

NHS:

GP surgeries currently have sufficient capacity to absorb population increase. At this time no contribution is sought.

Somerset Ecology Services (SES):

Update: no further comments received in response to walkover survey.

Initial comments - 9 August 2023:

Additional ecology surveys are not available - need to see the results of the Great Crested Newt eDNA and badger monitoring surveys (both recommended by Clarkson Woods in 2021) and information regarding the offsite enhancements. Evidence to show there will be no net loss of biodiversity required. As surveys are 2.5-3 years old, a walkover survey will be required.

Conditions likely to be required, but will depend on results of surveys.

SES has already endorsed the sHRA.

Somerset Council - Education:

The development will generate 5 early years, 16 primary school and 7 secondary school places. There is no need for early years or primary contributions as the capacity in the schools will be able to accommodate new children. However, Holyrood secondary is required to have an expansion to accommodate all children from new development, and a contribution is required. The secondary expansion cost per pupil is £26,745 with 10% increase to £29,419.50. the contributions based on 7 secondary school places being generated are £205,936.50, which should be secured by a s106 agreement.

Somerset Council Strategic Housing Officer:

Policy requires 35%affordable housing which would be split 75:25 social rent: first homes. This would equate to 17 units (12 social rent: 4 first homes and 1 dwelling for other affordable home ownership such as shared ownership.)

Based on local housing needs assessment this should be as follows:

2 x 1 bed flat
7 x 2 bed house
7 x 3-bed house
1 x 4 bed house (rent)

These should meet stipulated minimum internal space standards, they should be pepper potted throughout the site and units developed to blend in.

S106 to include appropriate trigger points.

Somerset Council - Public Open Space Officer:

Developments of this size not required to provide public open space, but instead, ask for a contribution of the CIL payment towards POS offsite, paid to the Parish/Town Council.

Somerset Council Planning Policy Officer:

Monitoring demonstrates that over :Local Plan period, to end of March 2023, 42 dwellings have been delivered within Horton and there are commitments for a further 6 dwellings. With this development that is 90 dwellings.

The 2021 Census data for the built up area of Horton, which includes Broadway, indicates there are 571 address points, which at 2.21 people per household (ONS projections) would equate to 1,262 people (rounded). The proposed development and additional 6 commitments would increase the population by a further 122 people, giving a percentage increase of 10%.

[Officer comment: It is noted that since 31st March, there has been a committee resolution that outline Planning Permission be granted for 35 dwellings at The Pound, ref 18/01311/OUT, which would equate to an additional 77.35 people (but planning permission has not yet been issued. The combined total would therefore be a 16% increase over the Plan period.]

Horton benefits from a range of community facilities. If this were granted, along with other current commitments would equate to 4 dwellings a year over the Plan period [or 5.7 a year if the outline application for 35 dwellings subject to a recent committee resolution to approve were to be included].

The application proposes 35% affordable housing, although it is not supported by evidence to show how local housing need will be met.

The Council does not have a 5YHLS so the titled balance is engaged.

Somerset Council Outdoor Playing Space, Sport and Recreation Planning Obligations:

Council has calculated infrastructure required. Local assessments show deficiencies in equipped play space, youth facilities and playing pitches. Off-site contributions are required to mitigate the impacts. The cost of maintaining each provision has been calculated and a commuted sum is required to cover a period of maintenance for ten years.

Off site contributions required:

- Equipped play space - off-site contribution towards enhancement of equipped play area within Horton - Channells Lane and Child Play area on the Village Hall Grounds - £39,894 and commuted sum of £23,043
- Youth facilities - off-site contribution - £7,833 and commuted sum of £2,896
- Playing pitches - off-site contribution towards play pitches at Channells Lane - £19,074 and commuted sum of £11,577
- Total = £105,360 (£2,150 per dwelling)

Wessex Water :

Further Response (Nov 2023):

Following correspondence with Case Officer, confirmation that conditions can be used to deal with foul sewerage strategy (as per condition 29 of previous application recommendation). With amendments to condition 29 used on previous application, amended to take into account that the connection to the sewer network already in force for the properties listed in 29a. These properties are not currently on septic tanks and are no longer relevant for any nutrient mitigation scheme.

Initial Response:

There are sewers shown as crossing the site which must be located by private survey and shown on deposited drawings. There must be no construction within 3 metres either side of the sewer or rising main and no significant planting with 6 metres. The sewers must remain in public space and be easily accessible. Subject to application, engineering agreement and at the developer's expense it may be possible to divert these sewers to achieve the proposed layout. Where sewers are diverted into new on site foul sewers they must be proven to be carrying foul sewerage only.

Section 6 of Curtins FRA and Drainage strategy noted (26/10/2020). It appears that the sewer record has been updated since the FRA was written and the 5 properties in the north eastern corner described are shown to be connected to the public sewer network via a small sewer in the north eastern corner. Easements as above, due to the

size of this sewer connection is not available for a development of 49 dwellings (subject to agreement a connection can be made to a sewer of 150mm or above). Where needed the crossing of third party land will be through agreement with the landowner(s) or through the requisitioning the sewer from Wessex Water.

The applicant will need to review the size of the plot provided for the foul pumping station. This will need to be in accordance with Industry Guidelines for adoption (Sewerage Sector Guidance) and Wessex Water's pumping Addendum. There are specific access and security requirements. Access will be required by a 3000 gallon tanker; no parking or manoeuvring of this vehicle over the proposed attenuation tank. Security will depend on the need for chemical dosing which due to the length of the rising main is considered likely. The pumping station must be 15 metres from the nearest habitable dwelling to avoid complaint due to noise, smell or vibration.

The strategy does not include any above ground SuDs to demonstrate multi benefits. There is limited capacity within the foul sewer network to accommodate new development Wessex Water will be considering a sewer capacity scheme the form of which will be determined by the number of planning approvals in the short to medium term. There are a number of applications still to be considered. Wessex Water has a duty to serve new development under the provisions of the Water Industry Act. Where there is a lack of capacity improvements to support development foul flows improvements are planned by Wessex Water and funded by the per property infrastructure charge.

PARISH COUNCIL

A summary of the responses received is provided, full copies are available on the Council's online Planning Register.

Horton Parish Council

Objection

- No significant changes following previous refusal.
- Horton and Broadway are two distinct rural settlement. The application seeks to combine them. Not a proven need for 49 new dwellings. Demand for houses has reduced significantly.
- Application fails to demonstrate need. No employment in village. Car journeys required for employment to Taunton, Honiton , Chard, Yeovil etc. nearest train station is a car journey away.
- Not enough school places, doctors, dentist etc and not available on foot.
- Impact of highways - increase traffic in village, excess speeds recorded,

visibility splays too short and hedgerows not regularly cut back reducing sight lines further. Village hall has increased in use and insufficient parking, with cars having to park along Broadway Hill which will further obscure view. Cars from new development will park on the road, further increasing congestion and risk of accidents.

- Change of parking spaces likely to cause issues for contractors, waste collection, delivery vehicles, emergency vehicles. There are a number of pinch points.
- Adverse visual impact - out of character with Horton
- Poor layout and density
- Alien design, appearance, materials and landscape
- Unclear drainage.

Broadway Parish Council

Objected in 2020, 2022 and 2023 for housing on the site. Previous objections are still relevant and application should be refused.

Development has implications for social and physical infrastructure of Broadway. No reference within Planning Statement to capacity of Neroche Primary School or the Church View Medical Centre. Assurances given by education and health authorities are neither specific enough nor take into account the increase in housing consented in Broadway. Services in village will be inadequate to cope with additional demand. Residents will need to use private vehicles to access those services.

Impact on capacity of local waste water infrastructure. At present there is no solution to impact of current level of flows has on sewage pollution in Suggs Lane. Treatment Plant unable to cope with present flows without a significant level of discharges of untreated water into the Ding.

No evidence of housing need. does not take into account recently consented schemes - in 2023 alone 35 houses consented and another 28 imminently to be consented behind the Bell Inn. There is plenty of housing coming on stream locally to satisfy the needs of those wishing to live locally.

Urbanisation of the village.

Change in role of Horton has resulted in an increase number of people leaving the village by car to meet their needs for local services.

REPRESENTATIONS

The application was advertised by way of press and site notices and 323 residents were notified. Re-consultation was carried out following the submission of amended plans.

A number of comments were received in respect of amendments to the housing mix, which essentially reiterated comments previously received.

185 comments were received, with 183 raising objections and 2 in support.

A brief summary of the responses received is provided, full copies are available on the Council's online Planning Register.

General

- Minimal changes since last application - reasons for refusal have not been overcome
- Will be affected by noise pollution for village hall
- No evidence it will contribute to climate change targets
- Concern regarding drainage of septic tanks
- Too many second homes and temporary holiday lets
- No amendments to meet Carbon Neutral pledge
- No solar panels
- Strength of local feeling clear and overwhelming
- Wessex Water has already stated there is limited sewer capacity and unable to cope with existing flows
- Development will increase flooding
- Green space is attempt to hide future development
- Developer desperate for profit
- Unsustainable - lack of employment and limited public transport
- Not aimed for local people - building homes for the rich

Policy/Housing need/ infrastructure

- Need for additional housing in this location not proven
- Demand for new housing has reduced
- Increased burden on existing infrastructure which is already overstretched (i.e. schools, doctors etc)
- Water supply, electricity, broadband and drainage/sewerage system already overstretched

- Housing development should be located on edge of large towns
- Contrary to policies SS1 and SS2
- Not allocated in Local Plan
- Horton and Broadway has already taken a lot of development - need to consider combined impact.
- Government policy is to develop brownfield sites not greenfield sites
- There are brownfield sites available which could be developed.

Ecology/biodiversity

- Poor quality of rivers
- Impact on wildlife
- Splendid oak tree by entrance should be retained
- Protective fence against hedgerow will be create barrier to wildlife

Highways/ Traffic

- Increase in traffic on local roads, which is already bad especially when accident on A303
- Roads not suitable for increased traffic
- Reliant on cars and out commuting for work services/shops/amenities
- Speed surveys indicate excessive speeds
- Visibility splays not sufficient, and when events at village hall parking on roads will obscure visibility further
- Entrance is on a blind bend - highly dangerous
- Likely to result in cars parking on roads
- Likely to be issues within development for delivery vehicles, emergency vehicles and waste collection etc.
- There are number of pinch points within road scheme
- No public transport apart from school buses
- Danger to pedestrians and lack of pavements
- Record show already 2000 cars go through the village every day
- Insufficient pedestrian/cycle links
- Impact of construction traffic

Character/Landscape/Design

- Increased traffic through AONB
- Loss of rural character
- Horton and Broadway are 2 distinct settlements. Development proposes to merge them into one settlement. Eventually will become sprawling extension to

Ilminster.

- Over last 60 years deterioration of rural environment due to inappropriate development and villages have become suburbanised.
- Too big for village, out of keeping and overly prominent
- Density not appropriate - too many houses will overwhelm character of village
- Overdevelopment
- No attempt to maintain character of village - will become huge anonymous housing estate suburb
- Impact on landscape
- Materials proposed not appropriate

Amenity

- Loss of privacy
- Noise and loss of amenity associated with increased traffic
- Loss of amenity for walkers
- Street lights and associated light pollution

The Countryside Charity Somerset - CPRE:

- Does not accord with Local Plan and contravenes several paragraphs of the NPPF.
- High visible development on gateway site will dominate skyline. Intrusive focal point in open countryside with Blackdown Hills NCA and visible from miles away. High-density ignores edge-of-settlement character of its surroundings.
- Loss of amenity to existing properties through loss of open farmland
- Claimed design adheres to traditional form and design of traditional properties in the village and use of natural materials which are quarried locally - incorrect and misleading as design is at odds and alien and Blue Lias stone is not quarried locally.
- Overbearing terraced blocks near site entrance is out of scale and reminiscent of early council housing estates. No integrated communal green space or play areas. Extensive parking dominates creating bleak environment.
- Identikit housing types. Does not comply with any exemplar design codes.
- Overbearing estate for edge of Horton fails to achieve high quality design, does not promote local distinctiveness or enhance character of the district.
- Impact on existing residents privacy and loss of views
- Use of natural stone as dominant façade treatment - absence of variance in colour, materials and texture results in monotonous, featureless and uniform appearance. Single-style monolithic development makes no attempt to blend into rich vernacular style of the settlement.

- High density -no attempt to address boundary between open fields and settlement.
- Application should not have been registered as a number of documents missing.
- Despite 5YHLS the development does not represent sustainable development and adverse impacts are considerable and significantly outweigh the benefits. There is no presumption in favour of sustainable development.
- Environmental or economic cases unproven.
- Social case - local surgery and school oversubscribed. Will lead to increased car journeys accessing services. Deliveries will increase number of commercial vehicles Contribute to local traffic congestion and pollution.

CONSIDERATIONS

Principle of Development

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

Local Plan policy SS2 states:

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

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

Local Plan paragraph 5.41 states:

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

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

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

Local Plan policy SS4 sets out the housing requirements of at least 15,950 dwellings in the plan period April 2006 - March 2028 inclusive.

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

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

The Five-Year Housing Land Supply Paper, (5YHLS) dated October 2023, notes that the Council cannot currently demonstrate a five-year supply of housing sites but rather the equivalent of 3.29 years (this has dropped since the application was last considered from 3.7 years).

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

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

...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

Key services in rural settlements

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

Paragraph 5.33 of the Local Plan advises that:

"There may be occasions when nearby settlements effectively provide local services for each other, acting as a 'cluster', meaning a case can be made for development in one settlement to meet the needs of the cluster. In these cases, clear evidence of the functional service relationship between the settlements will be needed."

Broadway has a close functional link with Horton, and it is noted there are also a number of facilities within Broadway (including a primary school, a pub, a village hall).

Identified housing need, excluding affordable housing

The Council's latest housing land supply position, dated October 2023, based on a five year requirement of 3,375 dwellings (i.e. the annual requirement of 675 x 5 years), plus the appropriate buffer of 5%, giving a requirement to demonstrate land capable of delivering 3,544 dwellings in the next 5 years, or an annual completion rate of 709 dwellings. Based upon the current assessment of future housing land supply for the period 1 April 2023 to 31 March 2028, the Council's deliverable five-year supply, taking account of potential non-implementation of 2,333 dwellings. This gives a five-year housing land supply (5YHLS) of 3.29 years.

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

As confirmed by the Council's Policy Team, the Housing figures for Horton Parish for the Plan period up to 31 March 2023 include the delivery of 42 dwellings (completions) and commitments (i.e. planning permissions for a further 6 dwellings).

Taking the completions and commitments together, these would equate to 48 dwellings to be delivered within the Plan period (2006-2028), representing around 2 new dwellings per year. Including the current application, this figure would rise to 90 dwellings and equate to around 4 dwellings per year.

The Council's Policy Team has also provided details of completions for Broadway which, as of 31st March 2023, amounts to 42 completions, and there is a further 30 commitments.

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

unknown.

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

Identified housing need, including affordable housing

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

The Council's Local Housing Needs Assessment, (LHNA), notes an identified need for 3,406 new dwellings for Social or Affordable Rent. Given that the scheme would contribute 17no. AH units towards this target, the proposal is considered compliant with the relevant criterion of policy SS2 in this regard.

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

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

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

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

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

Housing mix

Moving to policy HG5, the Local Housing Needs Assessment 2021 (LHNA) sets out

the market housing need for 2020-2040, as shown below:

- 499 of the total market housing provision (or 6%) should comprise 1-bedroom units
- 1,329 of the total market housing provision (or 15%) should comprise 2-bedroom units
- 5,292 of the total market housing provision (or 59%) should comprise 3-bedroom units
- 1,801 of the total market housing provision (or 20%) should comprise 4+-bedroom units

The application proposes 32 market housing units, and the mix has been amended during the course of the application, now proposing the following:

- 1-bed units = 0% (0 units)
- 2-bed units = 13% (4 units)
- 3-bed units = 56% (18 units)
- 4-bed units = 31% (10 units)

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

Scale, character and sustainability of settlement

Scale and character will be assessed later in this report. However, the addition of 49 new homes would be considered to increase footfall to local amenities and, therefore, to increase the social and economic sustainability of the village. As such, the scheme would be considered capable of policy compliance in this regard, subject to the assessment below.

Local community support and engagement

The site does not lie within a Neighbourhood Plan area. However, the applicant has undertaken public engagement, as noted in the DAS, which is considered acceptable.

As noted above, the Council has undertaken public consultations on this application following which, a relatively large number of objections have been received.

Conclusion on principle

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

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

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

For the above reasons, therefore, the principle of residential development at this site is considered acceptable, in accordance with Local Plan policies SS1 and SS2 and NPPF paragraphs 11(d) and 77.

Appearance, Visual Amenity and Landscape Character

Local Plan policy SS2 requires development to be commensurate with the scale and character of the settlement. Policy EQ2 requires high quality design, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district by, inter alia, creating quality places, conserving and enhancing the landscape character of the area and reinforcing local distinctiveness and respect local context.

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

The NPPF also places emphasis on making efficient use of land and ensuring that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 b) of the NPPF states that *Planning... decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the*

countryside.

The site lies within Landscape Character Area Region 2: Blackdown Hills Plateau, Foothills and Valleys of which it is identified as Lower Lias Foothills and Lowland Forest. The application site lies beyond any protected landscape. However, the Blackdown Hills AONB lies approx. 2.3km to the west and is visible from the site.

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

The ratio of 49no. dwellings to a site area of approx. 2.28ha. results in a proposed density of 21.5 dwellings per hectare (dph), which is considered appropriate to the site's location.

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

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

Three areas of public open space are proposed, which would be maintained by a management company, to be detailed within the s106 agreement.

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

The northern portion of the site would involve chalet bungalows, with two-storey dwellings to the west where the ground level is lower.

Scale

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

The previous scheme had a number of flats on the eastern section of the site. These have been replaced with a block of three terraced houses (plots 1-3) with a maximum ridge height of 9.29m, and semi-detached houses (plots 10-13) also with a ridge height of 9.29m. This is higher than the adjacent Neroche. From this point, the ridge heights tend to decrease as the ground levels lower moving westwards, albeit the proposed dwellings would remain two-storey.

Section 5 shows that the proposed dwellings closest to those existing that front onto Forest Mill Lane would be substantially higher, by reason of their two-storey nature relative to the existing modest bungalows adjacent, and of the rising ground level from north to south. As such, Plots 10-13 would have a ridge height approx. 5.4m higher than that of Rosaria to the north.

Appearance

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

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

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

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

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

reasonable to secure this via condition.

Boundary treatments

The existing hedgerows along the site boundaries, with the exception of the new site access point on the north side of Broadway Hill, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. Details would be secured via condition.

Garden boundaries within the eastern portion of the site would be treated with 1.8m high close boarded timber fencing while the remainder would comprise hedging with an integrated low-level barrier. Low level timber bollards would provide some protection for the two central areas of POS. Hedging is proposed to the POS in the north-west corner of the site. Elsewhere, 1m high estate railings or 1.2m stone wall with cock/hen capping would be installed, in some cases to align the proposed hedging. Submission of boundary treatment details would be subject to condition.

As confirmed above, submission of boundary treatment details would be secured by condition.

Assessment of Landscape and visual impact

A Landscape and Visual Impact Assessment (LVIA) dated November 2020 has been submitted with the application. This notes that:

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

It is noted that views of the Blackdown Hills AONB are available from the site. However, given the distance from the AONB, the edge of village location, and the retention and enhancement of the existing boundary hedges, it is not considered that the visual change resulting from the proposed introduction of housing into this field

would have a significant impact on the setting of the AONB or views to and from the protected landscape.

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

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

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

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

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

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

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

Notwithstanding the difference in ridge heights, it must also be recognised that the majority of dwellings in the surrounding area are taller, having two-storeys. The modest bungalows to the north-east and east of the site, could be viewed as providing a transition between the taller buildings towards the main core of the village, including the church, and the open countryside beyond. However, it is the Officer's view that the example of Neroche, undermines that rationale and it is more likely that the modest bungalows were designed in response to popular thinking at the time of construction, swathes of which can be seen in settlements across the South West.

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

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

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

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

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

As noted above, the existing field boundary hedge, generally 5-6m high, would be retained and enhanced with the exception of the new access. The proposal includes a comprehensive scheme of planting, but further details will be conditioned.

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

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

Conclusion on visual impact

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

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

The scheme would retain and enhance the existing hedgerows with the exception of the proposed new access point. While it would replace an area of existing grassland, it would result in a net gain in terms of tree and hedge planting, and would retain green infrastructure by way of the 3 areas of public open space (POS) and private gardens, with one per dwelling, including the flats. This is considered overall to accord with policy EQ5.

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

For the above reasons, the proposed development is considered, subject to conditions, capable of compliance with Local Plan policies SS2, EQ2 and EQ5, and the advice contained within the NPPF.

Amenity

Local Plan policy EQ2 requires that development proposals protect the residential amenity of neighbouring properties. Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

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

Conditions requiring a Construction Environmental Management Plan (CEMP) and external lighting scheme to control impact on the neighbouring residential amenity are proposed.

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

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

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

The proposed new access off Broadway Hill would serve the remainder of the proposed dwellings, and it is not considered this would result in harm to any neighbouring amenity by reason that it would be sited opposite an area classified in agricultural use and would be separated from Neroche, the nearest dwelling, by approx. 41.5m, with intervening residential units proposed.

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

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

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

It is acknowledged that there would be a change in the rear outlook from Camellias. However, it is also recognised that the two-storey dwelling of Neroche is visible from Camellias and that the proposed new dwelling would infill the gap between Camellias and Neroche. Given the existing fencing, separation gap and relatively low roof height (1.5 storeys) is considered adequate to ensure there will not be a significant detrimental impact on the amenity of occupiers of that property.

- Hamstones has a very small setback from its side (north-west) boundary, which is aligned with an open mesh fence from the side elevation up to Pound Road, and a close-boarded fence from the rear of the dwelling to the rear (south-east) boundary. An attached car port is proposed on the SE elevation of the proposed dwelling. There is a small high level window serving a landing/work space. Given the separation distances and oblique angle, it is not considered that there would be any direct intervisibility between windows, and no unacceptable loss of privacy for the occupiers of Hamstones would be considered to arise.
- Bushgarth and Homedene - Plot 17 (the end terrace, house type A3) would be adjacent to the rear boundary of Bushgarth and a parking area would be adjacent to the rear boundary of Homedene. There is a small high level bathroom window facing north, which is likely to be obscure glazed. As such, no overlooking would arise.
- Rosaria and Banklands - The separation gap from the proposed new dwellings to the rear elevation of Rosaria would measure over 26m and over 21m to that of Banklands. This is considered an unacceptable relationship which would not result in an unacceptable loss of privacy.

- Neroche - Plot 9 would adjoin the rear boundary of Neroche but the rear-facing first floor window of that bungalow would be screened from the neighbouring dwelling by the gable-ended ground floor bay. Plot 1, the closest end of terrace would have a high level first floor window serving either a bathroom or landing, so would not therefore allow overlooking. There is a distance of around 40m from the rear elevation of Plots 7 and 8 from Neroche so there is an adequate separation distance to ensure there would be no adverse overlooking/loss of privacy.

It is acknowledged that the proposed development would involve the introduction of new built form on a currently undeveloped site, which will change the outlook from a number of properties. However, given the distances between existing properties and new dwellings proposed it is not considered that the development will result in an unacceptable significant impact on outlook. It is also noted that the way proposed buildings have been orientated further minimises any potential for harm.

It is also acknowledged that the future occupiers of the proposed new dwellings would have sight into the rear gardens of a number of properties. However, it is considered that this would not amount to unacceptable harm by reason of the location of these dwellings within a settlement, rather than isolated within open countryside, the separation gaps involved, which would mitigate the impact, and/or the respective orientations.

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

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

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

Noise

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

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

Plots 39-45 would be sited closest to the village hall and would include 3no. market

housing units and 4no. affordable units. The shortest separation gap would be over 40m.

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

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

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

In terms of future occupiers the proposed dwellings and room sizes are considered acceptable. In terms of outdoor amenity space, each proposed dwelling would have its own garden, with the smallest measuring approx. 6.5m long by 5.5m wide. Given that the Council does not have any minimum standards for outdoor amenity space and that each dwelling would have their own private outdoor garden, the proposed scheme is considered acceptable in this regard.

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

Designing out crime

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

It is understood that all plot boundaries would be protected by 1.8m high fences or walls; the protective fence aligning the site boundary hedges would be 1.5m high and the proposed and retained hedges would be maintained at min.1.8m height; two of the POSs would be bounded by bollards to prevent vehicular access while that in the north-west corner would be addressed via condition.

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

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

Heritage Assets

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

The South West Heritage Trust has provided a consultation response and notes that the site lies adjacent to an area known to be associated with the manufacture of Donyatt pottery and that there is consequently some potential for the presence of associated features and kilns. As such, a field evaluation (comprising a geophysical survey, and depending on the results a trial trench evaluation) are required to assess the impact on potential heritage assets.

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

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

Highways, Parking, Waste:

NPPF paragraph 115 states:

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

Local Plan policy TA1 requires all residential development to provide Low Carbon Travel measures subject to viability. Policy TA4 requires a Travel Statement be provided for schemes of between 30-49no. new dwellings. Policy TA5 requires all new development to maximise the potential for sustainable transport and policy TA6

requires the Somerset County Council Parking Strategy standards be applied to all new development.

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

Somerset Waste Partnership has not commented on this application, but it is noted raised no objections in respect of the previous application.

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

While there are two churches, a pub and a village hall within walking distance of the site, occupiers would be reliant on the private car to access day to day amenities such as schools, supermarkets and train stations. The site is therefore considered acceptable in principle for residential development, as detailed earlier in this report.

A Transport Statement (TS) dated has been submitted with this application, which satisfies policy TA4.

An Interim Travel Plan (TP) has also been submitted, which notes car sharing, walking, cycling and use of public transport by future occupiers would be encouraged, and, also, that a Final Travel Plan and Travel Plan Coordinator would be provided as part of the scheme. This satisfies policy TA5. The Travel Plan would be required through a s106 agreement.

With regard to the proposed access points for the site, the existing access off Pound Road would serve only 1 new dwelling. The main site access would comprise a new gap in the hedge on the southern boundary off Broadway Hill. Following the receipt of requested information detailing refuse vehicle swept path analysis, during the previous application, this arrangement is considered acceptable in terms of highways safety.

During consideration of the previous application, the Parish Council commissioned a speed survey which indicated that speeds close to the proposed site access were in excess of the speed limit. As such the Highways Authority requested that visibility splays were increase. An updated plan was submitted and the suggested condition amended to secure this.

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

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

Coming to parking provision, the Council's Parking Strategy notes that:

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

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

In addition, the scheme would require:

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

Drawing ref. HTN-WBR-ZZ-ZZ-DR-A-14701 Rev.P08, Layout Parking strategy, and Parking Schedule, indicates 165 parking spaces are proposed across the site, including 33 unallocated parking spaces. As such, the proposed parking provision is acceptable in regard to policy TA6, subject to an appropriate condition.

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

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

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

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

Moving to the TA1 expectation for all new residential dwellings to provide a designed in specific work area with broadband connections to allow working from home. It has been confirmed that the proposal would include residential FTTP (fibre to the premises) such that all dwellings would have broadband connections to allow working from home.

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

For the reasons above, the proposed development is considered, subject to conditions and a Section 106 agreement, capable of compliance with policies TA1, TA4, TA5 and TA6 of the Local Plan, the Somerset County Council Parking Strategy and NPPF paragraph 115.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

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

Local Plan policy EQ4 requires proposals to, inter alia, protect the biodiversity value of land and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection to natural habitats, and incorporate beneficial biodiversity conservation features. Policy EQ5 promotes the provision of

Green Infrastructure.

The NPPF states that planning decisions should provide net gains for biodiversity and integrate opportunities to improve biodiversity.

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

An Ecological Impact Assessment (EcIA), dated January 2021, was submitted with the application, which notes:

- *The proposed development will result in adverse impacts upon a number of ecological features ranging from International to Site importance.*
- *Avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced both within the Site and on adjacent ecological features.*
- *Measures to reduce the impact on local ecology include the retention and protection of the boundary habitats, as well as the enhancement of the hedgerows and retained grassland buffer.*
- *The retention of the hedgerows and the grassland buffer, creation of wildflower meadow and planting of trees in the POS will reduce the impact of the removal of the central improved grassland and short sections of hedgerow on the protected and notable species identified.*

Given the date of the original EcIA, a Walkover Survey was conducted by Clarkson and Woods in January 2024, which notes the limitations in terms of undertaking the survey in the winter months, the results of which have been provided in a latter dated 23rd January 2024, and found:

- The hedgerows present had changed considerably in structure since 2020 site and dormouse surveys. Generally managed to reduce height and width.
- Potential to support protected and notable species remains broadly unchanged. Grassland managed regularly by cutting/grazing and considered sub optimal for reptiles or common amphibians.
- No badger setts or signs of badger recorded within or surrounding site boundary
- As per previous report, site provides suitable foraging and commuting habitat for bats including light averse horseshoe bats.
- Site remains suitable for dormice. Reduction in height and width may have slightly reduced capacity for this species, but seems unlikely dormice would have been displaced altogether.
- Key recommendations from 2021 EcIA remain valid.

The EcIA notes that measures would also be required to prevent air, water and litter

pollution to the nearby LWS and recommends a Construction Environmental Management Plan (CEMP) (Biodiversity) to address this during the construction phase together with an information pack for each proposed dwelling to reduce recreational pressure on this LWS by providing viable alternative recreation spaces.

Somerset Ecology Services was consulted upon receipt of the Walkover Survey in January 2024, but no response has been received.

As noted above, the existing mature hedgerows along the site boundaries, with the exception of the new site access, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. A Landscape and Ecological Management Plan (LEMP) and a Biodiversity Enhancement and Mitigation Plan (BEMP) will be secured by condition.

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

Somerset Levels and Moors Ramsar Site

Local Plan policy EQ4 states:

Development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site.

NPPF paragraph 185 states:

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

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

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

The proposal involves the creation of 49no. new dwellings. As such, the development

would result in an increase in user numbers and is considered to give rise to an increase in phosphates.

A Phosphate Mitigation Strategy, Rev C, a Fallow Land Management Plan and Woodland Management Plan, have been submitted with the application.

The Phosphate Mitigation Strategy notes that:

- The waste water treatment facility at Broadway is to be updated during the AMP7 Wessex Water upgrade programme, which was due to be completed by the end of December 2024;
- Once the upgrade has taken place, the phosphate mitigation required to offset the proposed development will be significantly reduced;
- As such, a temporary element to the mitigation is proposed that would cease on completion of the waste water treatment upgrade - this would comprise 52.213 ha of land currently in use for cereal farming to be fallowed;
- Following the upgrade, the fallowing would cease and a new 6.649 ha. woodland would be planted with support from FWAG SouthWest (Farming and Wildlife Advisory Group South West) and maintained as such thereafter;
- The temporary fallowed area and permanent new woodland would be sited on land owned by Higher Hill Farm to the south of Manor Farm, West Lydford, Somerset TA11 7BT;
- Both the applicant, Galion Ltd, and Higher Hill Farm are under the same ownership and located at the same address;
- The implementation of the proposed phosphate mitigation would be secured by a Section 106 legal agreement.

A Shadow Habitats Regulations Assessment (sHRA) was submitted with this application, which has been endorsed by Somerset Ecology Services.

Natural England was consulted on this confirmed it was acceptable in terms of phosphate mitigation subject to conditions and S106 agreement.

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

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

Flood Risk, Drainage and Contamination

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

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

The application site lies within Flood Zone 1 and falls beyond any land having critical drainage problems. Following feedback from the LLFA, a revised Flood Risk and Drainage Strategy was submitted to address concerns raised regarding the half drain time for the attenuation tanks.

The Lead Local Flood Authority (LLFA) was been consulted on this application and following the submission of the revised information, the LLFA has confirmed it has no objections subject to conditions. The LLFA has noted that at detailed design stage, further consideration will need to be given to reducing the half drain time of tank 2 further, and include plot-based source control and rainwater harvesting features. Detailed levels of the outfall in relation to the water course and water level will also be required. The LLFA has provided some Condition wording to cover this.

Wessex Water has been consulted on this application and has no objections subject to conditions regarding a foul drainage strategy and surface water drainage, and informatives regarding the proposed pumping station and prohibition of surface water to flow into foul network.

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

For these reasons, the scheme is considered, subject to conditions, capable of compliance with Local Plan policy EQ1 and advice contained within the NPPF.

Economic Impact

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

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

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

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

Developer contributions for education would be secured via S106 agreement.

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

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

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

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

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

S106 Agreement/ Planning Obligations

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

Affordable Housing:

Local Plan policy SS6 seeks the provision of on-site affordable housing as appropriate, to be secured through S106 legal agreements. Policy HG3 requires 35% on-site affordable housing (AH). Policy HG3 First Homes Position Statement, (FHPS), states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

NPPF paragraph 64 supports the provision of affordable housing in residential major development and paragraph 65 seeks at least 10% of the total number of homes to be available for affordable home ownership as part of the affordable housing provision.

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

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

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

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

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

The amended drawing Layout Tenure Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13303C Rev.P17, shows that the affordable housing units would be distributed in two approximate groups across the site with one cluster to the east and one to the south-west. This is considered satisfactory.

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

Education

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

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

There is no need for early years of primary contributions in this area, due to the capacity of schools to accommodate new children from this development. The Holyrood secondary has reached capacity, therefore the education authority has commissioned a new extension to accommodate all the children from new developments in this area, including this development. The current cost to build for secondary expansions is required to have a 10% uplift to ensure the build standard can be net zero.

As such the following contribution towards the cost of the extension is required, to ensure that there will be capacity for the children from this development. 7 x £26,745 with 10% increase is £29,419.50.

Public Open Space and formal play provision

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

The proposed scheme involves 3no. Public Open Spaces (POSS) totalling 1,349 sqm.

The Open Space Officer has been consulted on this application and has no objections subject to S106 agreement for public access to and ongoing maintenance of the proposed Public Open Space.

In addition contributions are sought towards the following:

- Off-site contribution towards enhancement of equipped play area within Horton Channells Lane and Child Play area at the Village Hall: £39,895, with £23,043 towards ongoing maintenance
- Off site contribution towards provision of piece of equipment in play area for older children: £7,883, with £2,896 towards maintenance
- Off-site contribution towards the play pitches at Channells Lane: £19,074, with £11,577 toward maintenance
- Total: £104,317 (£2,150 per dwelling)

This would be secured through a s106 agreement.

Travel Plan

Final Travel Plan to include

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

Phosphates Mitigation

Appropriate phosphates mitigation as set out within the sHRA (to include 52.51 ha of phosphate mitigation habitat of fallow land, 6.65ha of native deciduous woodland, programme of implementation and land management plan.

Community Infrastructure Levy (CIL)

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

Local Plan policy SS6 states:

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

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

Planning Balance

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

It is acknowledged that more than a large number of objection letters have been received from local residents and other bodies, including CPRE Somerset and Broadway Parish Council. This lack of community support for the proposed development conflicts with one aspect of Local Plan policy SS2 however this part of Policy SS2 was dismissed as being a relevant factor by planning appeal decisions soon after adoption given that popularity is not of itself a material consideration.

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

The proposal would give rise to some economic benefits through increased footfall to

local amenities such as shops and restaurants and employment opportunities during the construction phase.

Subject to conditions, the proposal is not considered to give rise to unacceptable harm in relation to visual amenity, neighbouring amenity, heritage, archaeology, highways, flooding or drainage matters. The proposed future occupiers' amenity would be acceptable.

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

The development would also be considered acceptable in terms of phosphates.

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

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

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

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

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

RECOMMENDATION

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

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

- i. Provision of affordable housing
- ii. Education contribution
- iii. Contribution towards the provision of play and playing pitches
- iv. Management of public open spaces
- v. Phosphate mitigation strategy
- vi. All works either on or directly adjacent to land covered by highway rights, citing c278 of the Highways Act 1980
- vii. The Travel Plan

b) and the following conditions:

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

SUBJECT TO THE FOLLOWING:

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

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

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

Site

Site Location - HTN-WBR-ZZ-ZZ-DR-A-11101 P03

Topo Survey - HTN-WBR-XX-ZZ-DR-A-11701 P02

Site Sections - HTN-WBR-XX-XX-DR-A-14301 P12

Site Layout Plan - HTN-WBR-XX-ZZ-DR-A-13302C P19

Tenure Plan - HTN-WBR-XX-ZZ-DR-A-13303C P18

Plot Schedule HTN-WBR-ZZ-ZZ-RP-A-13601 P01

Parking Strategy - HTN-WBR-ZZ-ZZ-DR-A-14701 P09

Plot 9 Access Visibility Splay - HTN-WBR-ZZ-ZZ-DR-A-14702 P02

MasterPlan - HTN-WBR-ZZ-ZZ-DR-A-13201 P02

Parking Schedule - HTN-WBR-ZZ-ZZ-RP-A-14951P P02

Areas of Open Space - HTN-WBR-ZZ-ZZ-DR-A-13305 PO4

Floor Plans

Housetype A1 - HTN-WBR-A1-XX-DR-A-21102 P05

Housetype A2 - HTN-WBR-A2-XX-DR-A-21102 P04

Housetype A3 - HTN-WBR-A3-XX-DR-A-21102 P07

Housetype A5 - HTN-WBR-A5-XX-DR-A-21102 P04

Housetype A6 - HTN-WBR-A6-XX-DR-A-21102 P04

Housetype A7 - HTN-WBR-A7-XX-DR-A-21102 P05

Housetype A8 - HTN-WBR-A8-XX-DR-A-21102 P01

Housetype B1 - HTN-WBR-B1-XX-DR-A-21102 P05

Housetype B2 - HTN-WBR-B2-XX-DR-A-21102 P05

Housetype GG - HTN-WBR-GG-XX-DR-A-21102 P08

Housetype H2 - HTN-WBR-H2-XX-DR-A-21102 P03

Housetype H3 - HTN-WBR-H3-XX-DR-A-21102 P01

Housetype II - HTN-WBR-II-XX-DR-A-21102 P07

Car Port LL - HTN-WBR-LL-XX-DR-A-21102 P03

Car Port MM - HTN-WBR-MM-XX-DR-A-21102 P03

Car Port NN - HTN-WBR-NN-XX-DR-A-21102 P03

Car Port OO - HTN-WBR-OO-XX-DR-A-21102 P03

Orangery OR - HTN-WBR-OR-XX-DR-A-21102 P03

Elevations

Housetype A1 - HTN-WBR-A1-XX-DR-A-21111 P04

Housetype A2 - HTN-WBR-A2-XX-DR-A-21111 P02

Housetype A3 - HTN-WBR-A3-XX-DR-A-21111 P05

Housetype A5 - HTN-WBR-A5-XX-DR-A-21111 P05

Housetype A6 - HTN-WBR-A6-XX-DR-A-21111 P03

Housetype A7 - HTN-WBR-A7-XX-DR-A-21111 P05

Housetype A8 - HTN-WBR-A8-XX-DR-A-21111 P01

Housetype B1 - HTN-WBR-B1-XX-DR-A-21111 P04

Housetype B2 - HTN-WBR-B2-XX-DR-A-21111 P04

Housetype GG - HTN-WBR-GG-XX-DR-A-21111 P06

Housetype H2 - HTN-WBR-H2-XX-DR-A-21111 P02

Housetype H3 - HTN-WBR-H3-XX-DR-A-21111 P01

Housetype II - HTN-WBR-II-XX-DR-A-21111 P06

Sections

Housetype A1 - HTN-WBR-A1-XX-DR-A-21121 P03

Housetype A2 - HTN-WBR-A2-XX-DR-A-21121 P02

Housetype A3 - HTN-WBR-A3-XX-DR-A-21121 P04
Housetype A5 - HTN-WBR-A5-XX-DR-A-21121 P02
Housetype A6 - HTN-WBR-A6-XX-DR-A-21121 P03
Housetype A7 - HTN-WBR-A7-XX-DR-A-21121 P03
Housetype A8 - HTN-WBR-A8-XX-DR-A-21121 P01
Housetype B1 - HTN-WBR-B1-XX-DR-A-21121 P03
Housetype B2 - HTN-WBR-B2-XX-DR-A-21121 P03
Housetype GG - HTN-WBR-GG-XX-DR-A-21121 P04
Housetype H2 - HTN-WBR-H2-XX-DR-A-21121 P02
Housetype H3 - HTN-WBR-H3-XX-DR-A-21121 P01
Housetype II - HTN-WBR-II-XX-DR-A-21121 P04

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

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

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

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

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

05. Before any above ground works commence, details of the refuse and recycling storage facilities serving the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The refuse and

recycling storage facilities shall be implemented in accordance with the approved details and maintained thereafter.

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

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

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

07. Notwithstanding what is shown on the approved plans, before any above ground works commence, details including design and materials of all boundary treatments within the application site shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

08. All hedgerows and trees on site to be retained shall be maintained in accordance with Layout Boundary Condition Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13304C, Rev.P13, and shall not be cut down, uprooted, destroyed or damaged in any manner at any time without the prior written approval of the local planning authority.

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

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

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

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

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

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

REASON: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences

and that without this safeguard planning permission should not be granted, and the site covers a large surface area in which it is considered necessary to preserve as a record any archaeological information before it is destroyed by the development in accordance with Local Plan policy EQ3 and paragraph 189 of the NPPF.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. The development hereby approved shall be implemented in accordance with the approved Parking Strategy (Ref: HTN-WBR-ZZ-ZZ-DR-A-14701 P09). The dwellings hereby permitted shall not be occupied until the associated parking

and turning areas have been constructed and made available for use in accordance with the agreed details. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

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

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

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

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

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

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

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

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

22. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice, otters and other species that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
 - (c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.
 - (d) comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

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

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

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

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

24. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones, dormice precautionary working method statement, precautions for reptiles, etc.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

- j) Measures to protect the habitats in and around the site including the Drakes Meadow and Weir Local Wildlife Site from air, water and litter pollution, as detailed in the Ecological Impact Assessment (EIA) by Clarkson and Woods, dated January 2021.

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

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

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

REASON: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

26. All habitat features to be lost (including trees and hedgerows) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.

- d) Management objectives specifically relating to the compensatory habitat for dormice (outlined in the BEMP)
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) On-going monitoring and remedial measures.

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

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

27. Prior to commencement of the development hereby approved, a Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the BEMP shall include the following:
- a) Specific measures in place to ensure any lost habitat features important to dormice (including trees, shrubs, and hedgerows) are proportionately replaced in relation to what will be lost, at a minimum ratio of 2:1. Replacement habitat should comprise of species important for dormice, including (but not limited to) blackthorn, hawthorn, oak, hazel, honeysuckle, bramble, gorse, and holly.
 - b) A Habitat 001 bat box or similar will be built into the structure of 50% of the proposed dwellings, positioned at least four metres above ground level and away from windows of the west or south facing elevation

- c) Schwegler 1SP Sparrow terraces or similar will be built into the structure of 30% of the proposed dwellings, at least one metre apart directly under the eaves and away from windows on the north elevations
- d) A cluster of three Schwegler 1a swift bricks or similar will be built into the structure of 10% of the proposed dwellings, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation, ensuring unobstructed access for the birds to leave/enter the nests.
- e) A bee brick built into the structure of all proposed dwellings, located 1 metre above ground level on the south or southeast elevation.
- f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- g) Area of rough grassland should be created and retained along the hedgerows (within the buffer zone) as an enhancement for reptiles, as well as a foraging habitat for other protected species
- h) Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

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

28. Prior to commencement of the development hereby permitted, a Foul Water Drainage Strategy must be submitted to and approved by the Local Planning Authority that shall include details of:
- a) the proposed pumping station that shall be constructed in accordance with the sewerage sector guidance in order to be adopted by Wessex Water and that shall provide the required 160 litres of storage per dwelling;
 - b) the connection to the public sewers on Forest Mill Lane;
 - c) the prevention of surface water drainage into the foul water network.

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

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

29. No development shall commence until details of the sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

These details shall include, but not limited to: -

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
- Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
- Where relevant, calculations should consider the use of surcharged outfall conditions.
- Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- Results should be provided as a summary for each return period (as opposed to each individual storm event).
- Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction.
- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk, and consider any exceedance with may affect the site.
- Details on the discharge locations and receiving systems, including agreement in principle with any third party/riparian owners. This should also include erosion control to manage a point discharge from the site without deteriorating the watercourse. Should a connection be pursued to the south of the bridge/culvert, the applicant will be required to demonstrate that they have the relevant permissions and should demonstrate that the receiving system has the capacity to take flow from the site and include further restriction to discharge rates if required.

REASON: To ensure the development is properly drained in accordance with the National Planning Policy Framework and in accordance with [SD1, EQ1, EQ2, EQ5 of the South Somerset Local Plan 2006-2028]. This is a pre-commencement condition to ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development.

30. No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

REASON: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

31. Prior to the first occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the

national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

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

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

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

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

34. Prior to commencement of above ground works for the development hereby permitted, a phased scheme of implementation for the 3no. areas of public open space in accordance with the Site Layout Plan, HTN-WBR-XX-ZZ-DR-A-13302C, Rev.P19, shall be submitted to and approved by the Local Planning Authority. The public open spaces shall be implemented in accordance with the approved scheme and access to these areas shall be retained for open access public use in perpetuity.

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

Informatives:

01. In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.
02. Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted. For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>
03. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the obligations this imposes, separate from the planning process, in respect of protecting wildlife.
04. Should the development hereby permitted provide for the importing, exporting or use on site of any waste materials, then the development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010) from the Environment Agency, unless a waste exemption applies. The developer is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.
05. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway Authority to progress this agreement well in advance of commencement of development.
06. The application site is within 250 metres of a suspected landfill site. The

developer's attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies.

07. Please be advised that approval of this application (or a subsequent reserved matters application) by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that liability and any exemptions are agreed before you commence the development and Form 6 - Commencement is submitted to us and acknowledged.

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

You are advised to visit our website for further details

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

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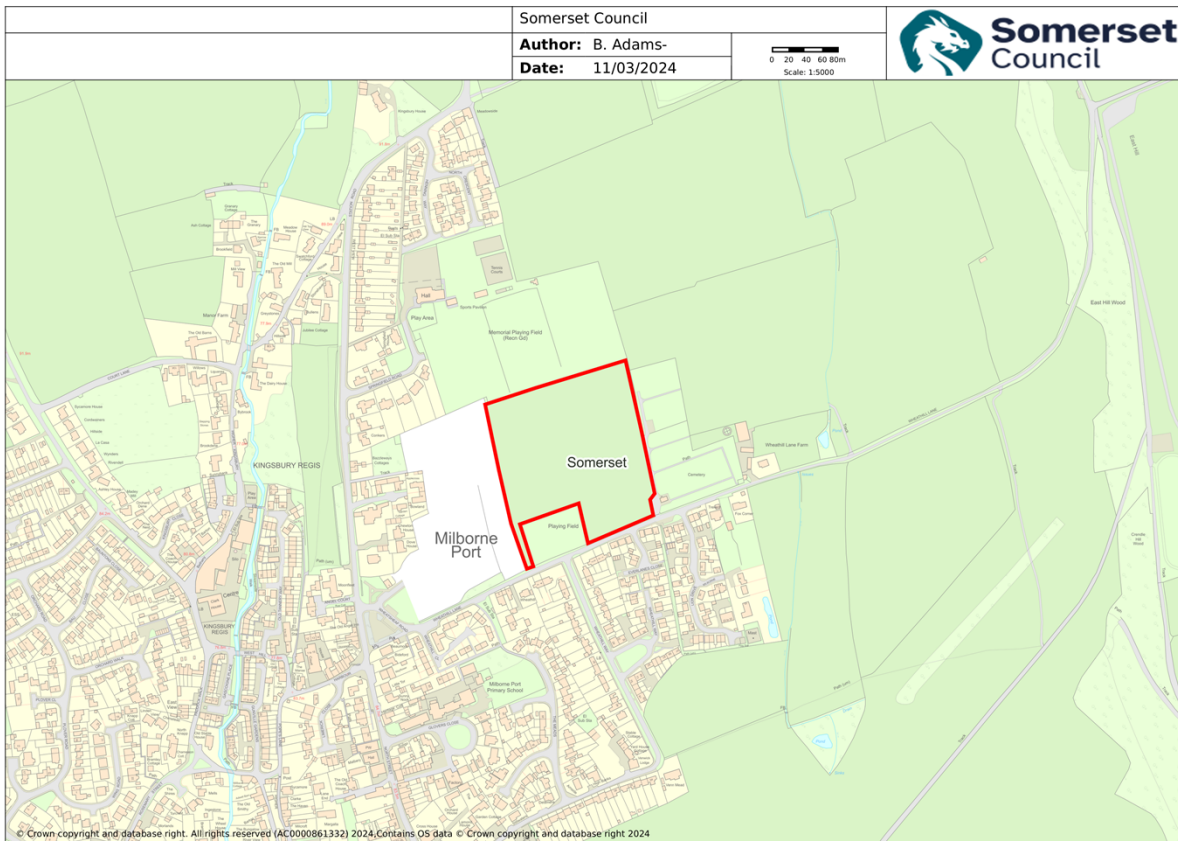
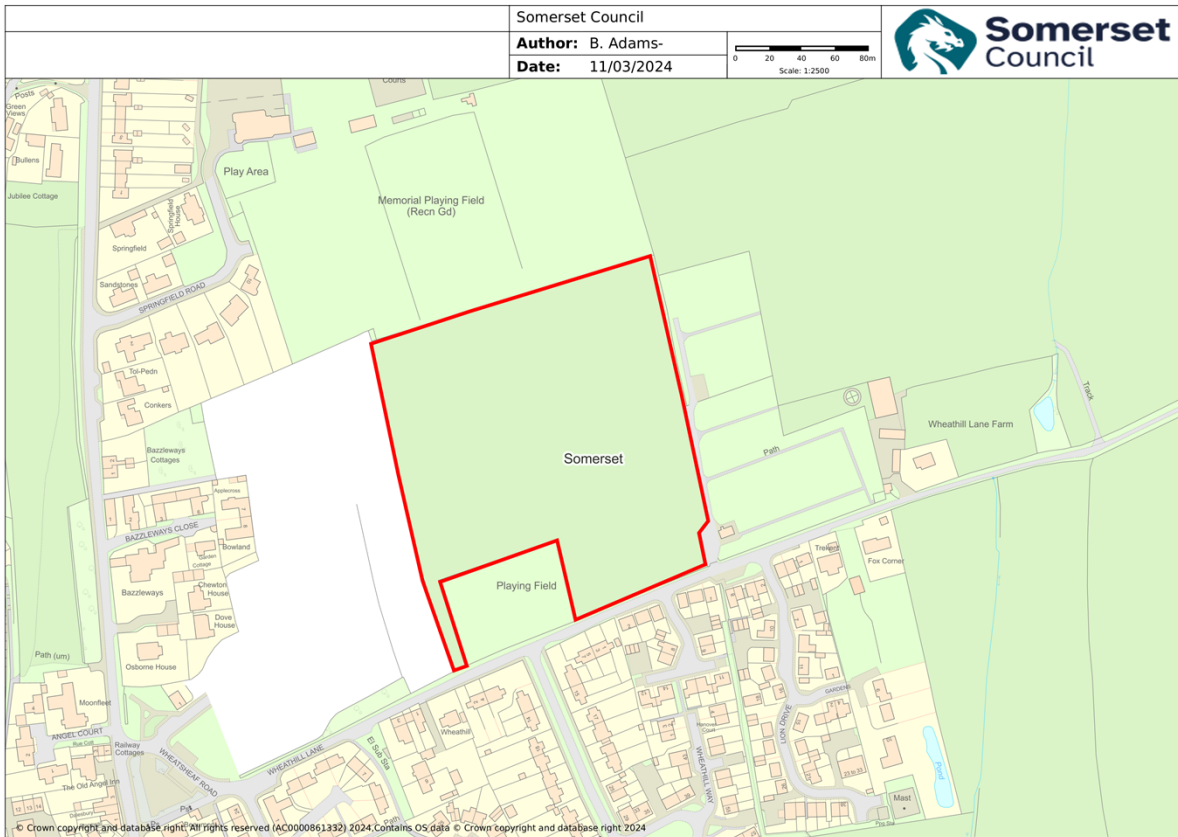
Officer Report On Planning Application: 22/00180/OUT

Proposal:	Outline planning application for up to 58 dwellings, sustainable drainage infrastructure, new open space including allotments, parking area for neighbouring cemetery, landscaping and associated infrastructure with all matters reserved except access.
Site Address:	Land Adjoining, Wheathill Lane, Milborne Port, Sherborne, Dorset,
Parish:	Milborne Port
BLACKMOOR VALE Division	Cllr Nicola Clark Cllr Sarah Dyke
Recommending Case Officer:	David Kenyon (Principal Specialist)
Target date:	22nd April 2022
Applicant:	Messrs Parker, Davis and White
Agent: (no agent if blank)	Mr Nigel Jones, Motivo House, Bluebell Road, Yeovil BA20 2FG
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 concerns raised by Milborne Port Parish Council. As a major planning application, under the Council's Scheme of Delegation, this is automatically referred to Committee for determination.

SITE DESCRIPTION & SURROUNDING CONTEXT



The application site comprises an agricultural field measuring approximately 3 hectares. The site is bounded to the north by the Memorial Recreation Ground, to the east by Milborne Port Cemetery, to the south by residential development along Wheathill Lane and to the west by a development site for 65 new dwellings, a community hub, public open space and associated works pursuant to outline approval (planning ref. 17/03985/OUT) and associated reserved matters approval (planning ref 19/02244/REM). The south west corner of the site also adjoins a former school sports pitch adjacent to Wheathill Lane.

The site is formed by a single L-shaped field (around the disused sports pitch). The land is relatively level and bounded by hedgerows on all boundaries, save for part of the eastern boundary which is fenced. An existing electricity pole is located centrally within the site and a Public Right of Way runs along the western boundary. The site is within Flood Zone 1 (i.e. lowest risk) and there are no relevant statutory designations on the site.

The site is within the surface water catchment area of the Somerset Levels and Moors Special Protection Area (SPA) which is subject to phosphates and as such planning applications will be subject to Habitats Regulations Assessment (HRA) and must demonstrate nutrient neutrality.

The land is classified as grade 3a agricultural land.

The centre of Milborne Port is approximately 500 metres from the application site. The designated central Conservation Area boundary is approximately 300 metres from the site and an additional Conservation Area is situated at New Town on the western edge of Milborne Port, approximately 1km from the site. Other heritage designations include Ven House Historic Park and Garden (approximately 300 metres south of the site) and a Scheduled Monument (medieval urban remains) at Church Street (approximately 600 metres southwest of the site). There are numerous listed buildings within Milborne Port, but none within or adjoining the application site.

Within Milborne Port there is an abundance of services and facilities including a primary school, shops, post office, doctors' surgery, village hall, library, churches, pubs and restaurants, sports facilities, and places of worship. There is an hourly bus service between Milborne Port and Yeovil, which is situated approximately 13 km to the west. The same bus service calls through Sherborne, situated approximately 5 km west of Milborne Port. Yeovil is the nearest principal urban settlement and Sherborne benefits from having a railway station with links between Exeter St Davids and London Waterloo.

THE PROPOSAL

The proposal seeks outline planning permission (with all matters reserved except for access), for up to 58 dwellings, sustainable drainage infrastructure, new open space including allotments, parking area for the neighbouring cemetery, landscaping and associated infrastructure, and vehicular access from Wheathill Lane. All details in relation to appearance, landscaping, layout, and scale are reserved for consideration at the detailed application stage and are not to be considered as part of this outline application.

An indicative plan has been submitted with the application that shows a central spine road running from the south of the site, broadly in a north direction, deriving from a single point of access onto Wheathill Lane. Pedestrian and cycle connectivity is maximised throughout the proposed development and links with adjoining land, including connecting to the existing Public Right of Way that runs along the western site boundary. The layout shows mixed housing to either side of the central spine road, some of which is accessed from sub-roads forking from the main spine road. The layout shows a drainage feature at the south-eastern corner of the site, and areas of green public open space and allotments at the northern and eastern sides of the site.

The illustrative layout, prepared by Clifton Emery design, demonstrates how development will be accommodated across the site:

- Up to 58 homes, comprising a mix of 2 bed apartments, and 2, 3, 4 and 5 bed houses
- A policy compliant 35% of the new homes would be provided as affordable homes (21 homes)
- Vehicular access off Wheathill Lane including footways either side
- Pedestrian and cycle links, including enhancements to the adjacent public footpath
- Public open space, including allotments
- Dog walking route
- Additional cemetery parking
- Sustainable drainage and surface water attenuation, including improvement to the surface water run-off into the cemetery
- Ecological enhancements including bat and bird boxes, insect bricks and hotel, log piles and hedgehog domes.

Details are sought to be agreed for access as part of this application. The proposed vehicular access to the site is proposed from Wheathill Lane and would include footways either side. Off-site highway and pedestrian improvement works to Wheathill

Lane are also proposed and could be secured via a section 106 legal agreement and dealt with under relevant highways legislation. Key features of the proposed access arrangements include:

- Priority junction off Wheathill Lane with a 5m wide access road width
- Improvements to existing pedestrian conditions with 2m footways connecting the site with the surrounding area and
- Enhancements to the adjacent public right of way.

In addition to the completed application forms, the following documents and drawings have been included within the application submission:

Documents

- Planning Statement (Issue 2) prepared by LRM Planning Ltd dated January 2022
- Statement of Community Involvement prepared by LRM Planning Ltd dated January 2022
- Draft S106 Heads of Terms prepared by LRM Planning Ltd dated 12th January 2022
- Design and Access Statement prepared by Clifton Emery Design dated January 2022
- Design and Access Statement - Addendum and Updated Illustrative Masterplan - prepared by Clifton Emery Design dated May 2022
- Landscape and Visual Appraisal ref. 201203 R 04 02 prepared by Clifton Emery Design dated December 2021
- Sustainable Drainage Strategy and Level 2 Flood Risk Assessment Report ref. 539-FRA2 V2 prepared by Teign Consult dated 30th December 2021
- Arboricultural Impact Assessment ref. 1261-AIA-MU prepared by GE Consulting dated 16th December 2021
- Ecological Impact Assessment ref. 1261-EcIA-MD prepared by GE Consulting dated 16th December 2021
- Transport Assessment (Issue V02) Project ref. 4480 Trace Design Transport and Civil Engineering dated 16th December 2021
- Technical Note (as addendum to the Transport Assessment) - Review of Highway Safety and Footway Provision - (April 2022) prepared by Trace Design Transport and Civil Engineering
- Technical Statement Footway Provision - Revised Route of Proposed Footway - (February 2023) prepared by Trace Design Transport and Civil Engineering
- Framework Travel Plan (Issue V03) Project ref. 4480 prepared by Trace Design Transport and Civil Engineering dated 22nd February 2024
- Biodiversity Metric 3.0 Calculation Tool 16.12.2021
- Nutrient Neutrality Assessment and Mitigation Strategy V1

- Appropriate Assessment under Habitats Regulations prepared by David Hiscox, Woodrow Dairy Ltd

Drawings

- Drawing no. 201203 L 01 01. Location Plan
- Drawing no. 201203 L 02 02 Revision G. Illustrative Layout
- Drawing no. 4480-004 Revision D. Proposed footway extension
- Drawing no. 201203 SK220830. Access Landscape Plan
- Drawing no. 201203 SK221114. Access General Arrangement

NOTE: As originally submitted during January 2022, the application sought outline permission for up to 60 dwellings. However, during April 2022, this was amended by the applicant to the current maximum number of 58 dwellings, following receipt of Milborne Port Parish Council's initial comments.

RELEVANT PLANNING HISTORY

While the application site has no recent planning history, the following planning applications have been determined on the land adjoining the west of the application site which are of relevance:

17/03985/OUT: Land at Wheathill Lane Milborne Port, Sherborne

Outline planning application for a mixed-use development comprising the erection of up to 65 dwellings and convenience store (Class A1), community hub (Class B1); and associated access and landscaping works on land at Station Road with access and associated works.

Outline planning permission granted 30th July 2019.

19/02244/REM: Land at Wheathill Lane Milborne Port, Sherborne

Application for approval of reserved matters following outline approval for appearance, landscaping, layout & scale for the erection of 65 No. dwellings, community hub, public open space, and associated works (reserved matters pursuant to outline planning permission 17/03985/OUT).

Approval of reserved matters 16th July 2020.

21/03727/REM. Reserved Matters application for appearance, landscaping, layout and scale, following outline approval (17/03985/OUT) for the erection of Convenience Store (Class E) and associated works.

Approval of reserved matters 29th April 2022.

In addition, there have been several other applications relating to the discharge of several of the conditions attached to the above approvals and also the agreement of some non-material amendments.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2, 11, 12 and 47 of the NPPF require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the adopted Development Plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy HG3 - Provision of Affordable Housing

Policy HG5 - Achieving a Mix of market Housing

Policy TA1 - Low Carbon Travel

Policy TA4 - Travel Plans

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

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

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy EQ7 - Pollution Control

National Planning Policy Framework - December 2023

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed and beautiful places

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

Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

National Design Guide - September 2019

Other Relevant Documents

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017) South Somerset Landscape Character Assessment (October 1993)

CONSULTATIONS

Milborne Port Parish Council

Various detailed responses have been received from the Parish Council. In general, the full comments will not be repeated in this report, but these responses have been uploaded onto Somerset Council's website in full for consideration.

On 7th March 2022, the Parish Council objected to the application in its then current form for up to 60 dwellings. The response was very detailed in its content comprising 10 pages of comments setting out the reasons for the objection, together with various requests, under sub-headings of:

1. External Roads & Access - Wheathill Lane, Wheathill Way, East Street, North Street, A30.
2. Internal Roads and Parking.
3. Housing Numbers, Mix, and Planning Policy.
4. Drainage and Water Supply.
5. Environment.

Further consultation responses dated 18th May 2022 and 22nd March 2023 were received from the Parish Council following consideration of amended details generally relating to the reduction in the number of dwellings from 60 to 58 and revised details relating to footpath provision and improvements in Wheathill Lane. Further comments dated 20th December 2023 from the Parish Council confirmed support for the phosphate mitigation proposals.

The Parish Council has provided a summary of its position in respect of this

application proposal in a letter dated February 2024. As with its previous comments, this latest correspondence has also been uploaded onto the website for public information but, for the Committee's convenience, the Parish Council's position is set out below.

Milborne Port Parish Council cautiously supports this application, subject to a number of considerations. This is articulated in our formal comments as consultee of March 2022, 18 May 2022, 22 March 2023, and 20 December 2023.

Sustainability

We note that a number of residents have submitted objections to the application, many echoed by the Parish Council in its submissions, and these should be given weight. We therefore request that the application should be considered by Committee even if formal guidelines mean this is not technically required. The objections are partly in respect of the specifics of the plans, and partly in respect of the overall sustainability of further material development within the community.

Milborne Port has been subject to disproportionately high levels of new building over the past thirty years, well in excess of guidelines set out in the Local Plan to the point that its position in the Settlement Hierarchy has in practice altered. At the same time there has been a loss of economic activity, meaning it is less able to fulfil all the functions of a community of its size, let alone a community in the tier above. Given proximity to Sherborne, the Parish Council anticipates it is unlikely that this loss of economic facilities will be reversed. Most recently, Somerset Council have advised that the 58 bus route, the primary local public transport facility for the community, is likely to be reduced or cancelled, further reducing the sustainability of the community, particularly for the less socially advantaged and transport poor, and hence its viability for further development.

As a consequence, the Parish Council believes that only the best of applications, with the highest benefits and greatest level of mitigation of environmental damage, and community impact through s.106 funding, at the most optimal of locations should be considered for approval by Somerset Council.

Benefits of this application

- Provision of a car park for the cemetery and related pedestrian access
- Provision of a semi-wilded buffer zone between the playing fields and the built-up area
- A circular footpath around the site, suitable for dog walking
- Access to the Parish Council owned land to the northeast of the site
- Improvement of the footpath to the west of the site to remove existing marshy

areas

- A new pedestrian footway along the south of Wheathill Lane
- Diversion of surface water runoff away from the cemetery and into a destination area which contains limited residences
- Indirect improvement of the business viability of the business facility in the neighbouring Redcliffe site
- Four new allotments and related parking
- On-site mitigation of environmental harm
- Priority to be given to those with a Milborne Port connection in access to below market housing.

During discussions it was also suggested that the existing track through the cemetery be upgraded but this proposal does not seem to be included in the plans as they stand.

s.106 Considerations

The Parish Council would like to ensure that the benefits outlined above are secured through appropriate conditions and/or provisions in the s.106 agreement.

For clarity, we do not believe that community project s.106 funds should be earmarked for projects outside our immediate community.

We would like to be consulted prior to the signing of any s.106 agreement so as to ensure that the most up to date needs of the community are addressed, and that any obligations placed upon the Parish Council are clear and understood. In the event that draft Heads of Terms have been established, we would be happy to review the Community Projects components of these and provide comment.

MPPC submitted a summary of projects to be considered for s.106 in March 2022. In the intervening two years, community need has moved forward, and this summary now needs to be updated. MPPC would be happy to submit a revised summary of need prior to the final agreement of Heads of Terms.

We note the shortfall of provision of pre-school education places within the Parish, and that this should be focused upon in determining the education element of the s.106 agreement.

Excluding CIL, the s.106 funding for the adjacent site when approved in the summer of 2019 was £3,010 per property. Inflation since then has been, cumulatively, 25.24% so we would anticipate s.106 of circa £3,750 per property.

Roads and Access

We welcomed the proposed improvements to Wheathill Lane, with the completion and widening of the footpath along the south, and the widening of the carriage way to the north. However, Wheathill Lane remains narrow, and our concerns remain regarding cars parking on the footpath rendering the proposed improvements

redundant. We are disappointed that our suggestions as to how these issues might further be improved have not been considered.

Since the application and our related comments, the revised access from Wheathill Lane onto Station Road has been completed, and this has proven to fall well short of what was envisaged when planning was granted, particularly in terms of lines of sight and the effect of cars being parked on the west side of Station Road. We would encourage the Planning team, Highways and the applicant to consider what changes, particularly around road markings and parking restrictions might be looked at to improve the new layout, especially in terms of access of larger vehicles to Wheathill Lane.

Surface Water Drainage

Recent flood events have heightened focus upon our changing environment and the levels of flood risk. This application has a clear benefit in that surface water will drain into the unnamed watercourse to the east of the village, where there are comparatively few residences, rather than the more heavily populated valley of the Gascoigne River. This significantly favours it as a site for development compared with other locations.

MPPC still remains concerned regarding the increased use of the unnamed watercourse to the east of the site, and the sump to the south, as the surface water destination for various recent developments along Wheathill Lane and also for the Solar Farm, and notes that there has been no response from the LLFA on this point. Its capacity appears to be being assumed rather than confirmed.

Further, the proposed means of conveying surface water to its destination is initially to direct it down Wheathill Lane but then to connect it into the surface water drainage for the Wheathill Gardens development, rather than running all the way down Wheathill Lane to the watercourse at the foot of the topography (see maps on pages 24 and 25 in the Sustainable Drainage Strategy of December 2021 posted 18 July 2022). It appears to be assumed that the surface water drainage systems within Lion Drive and Everlanes Close will cope with the additional supply of water. These developments, as we understand, have no SUDS systems in place, and the capacity within the surface water pipes form part of their surface water drainage strategy, as well as the means by which surface water is conveyed away. MPPC is therefore concerned that the ability to use the existing surface water infrastructure within these sites is being assumed, rather than verified. We request that it be clearly established that the infrastructure along the proposed route of surface water drainage is adequate to handle the additional run off from the proposed development, or that suitable alternative arrangements are put in place.

We also note understand, ultimately, the surface water run-off will arrive the junction between East Street and Wheathill Way, and thence be taken via the existing surface water piping to the sump in the small copse of trees to the south east close to the start of the racing gallops. Our understanding is that this piping was laid many years ago when East Street itself was constructed, and whilst there have been various improvements made in the infrastructure to the point of departure at the East Street/Wheathill Way junction, the piping from there has not been upgraded since. It is possible that we are incorrect, but we also understand that the surface water out flow from the adjacent site on Wheathill Lane that is currently under construction is installing new surface water drainage down Wheathill Way, but that it too will utilize the existing piping from that junction to the sump (though this is not what was articulated within the approved plans). MPPC requests that it be confirmed that the drainage infrastructure from the East Street/Wheathill Way junction to the sump by the gallops can cope with the proposed additional run off from the site. We note that if it is found that the infrastructure within Lion Drive/Everlanes Close cannot cope (see above) then this request may be redundant.

There have been a series of issues with the drains along Wheathill Lane, and are advised that, during the construction of the adjacent site, some of these have been investigated in detail, determining that the historic drains have been infiltrated by roots and damaged. We are delighted that the developer of the adjacent site has, so we understand, fixed those immediately adjoining that development. However, we understand that there may be further damage down Wheathill Lane that has not been addressed.

We have reviewed the detailed calculations submitted in the Sustainable Drainage Strategy regarding SUDS and surface water drainage. As far as we can make out, the "maximum" figures on page 82 of the plans focus upon winter rainfall in a 100 year event, highlighting rainfall over a period of 960 minutes (16 hours) at 4.837mm per hour. This would be a total of 77.39mm during the assessed period. Page 86 then adjusts these figures for 40% climate change - generating a total of 108.35mm of rainfall. The data on the 1440 minutes (24 hour) line would generate figures of 84.36mm and, with 40% adjustment 118.10mm. The LLFA noted (correspondence of 25 August 2022) that the climate change adjustment has been altered to 45%. Further, the LLFA has stated on a separate local application that daily rainfall of 150mm should be considered (see communication of the LLFA dated 29/9/23 regarding application 21/02767/FUL at Court Lane). The plans for surface water management may need to be revised for the more recent requirements, and that assuming the higher levels indicated above, the size of the SUDS infrastructure may need to be materially increased.

Given issues with surface water run-off and mud pollution from other construction sites within the community, MPPC requests that the installation of surface water management infrastructure be effected prior to the commencement of construction of other components of the site, and that this be required by condition.

Sewage

Unlike surface water, there is comparatively little focus upon sewage in the application. Point 2.4 on page 5 of the Sustainable Drainage Strategy states that the existing sewage pipe down Wheathill Lane that turns into Wheathill Lane cannot be used via gravity feed from the site. Pages 27 and 28 show foul sewers and manhole covers along Wheathill Way, whilst page 29 shows similar at Everlanes Close. What is not clear is how sewage from the development would connect into the existing infrastructure nor whether that part of the village infrastructure (in this case Everlanes Close/Lion Drive/Wheathill Way) has capacity to handle the additional volumes. In their communication of 21 March 2022, Wessex Water advise that they have done a desk top appraisal of where the new development sewer will connect into the existing network, though the location of this is not communicated. They state they will look at capacity if the application is approved. This does not appear to be a good planning assessment of whether the site is appropriate in terms of sewage, nor what costs might be to facilitate any necessary infrastructure improvements.

We note that Wessex Water have advised that Milborne Port's Waste Water Management Plant is approaching capacity (it can handle the waste of an equivalent of 4,794 people, and Milborne Port has the equivalent of 4,482 as of August 2023). MPPC would be interested what the "safe" margins would be in this regard.

Environment

The applicant has indicated they will come close to being able to mitigate the environmental harm of the development almost entirely on site. We have previously suggested that a small amount of additional planting may even allow full on-site mitigation. This is very much welcomed, and again, as with flood risk, this significantly recommends the site as a favourable location within the community.

Since the application was made, some of the trees on the northern border have been felled by the Electricity Authorities so as to avoid them interfering with overhead cables, and we do not know how this might affect the environmental impact assessment.

We would also note that Bechstein bats have been identified foraging and transiting at the site (as well as all other Milborne Port sites where bat surveys have taken place). This may indicate a roost within the Parish. We understand this will not affect

the immediate merits of the site, but given the position of Bechstein bats on the Red List of protected species it would be helpful to identify where these bats do actually roost so as to avoid any inadvertent harm in future planning decisions.

Electricity Charging, Ultra Fast Broadband

We note and support Somerset Council's requirement that new housing be fitted with Electrical Charging infrastructure for Electric Vehicles. However, we request that agreement be put in place such that the actual chargers installed are of the generation and standard current at the time of construction, and not some years out of date.

We request that all residences have ultra-fast broadband fibre connected to them during construction.

Mix of Housing

In our previous observations we asked that the overall number of houses be reduced and that the mix of housing between 2- to 3- bedroom starter homes (which are desperately needed within the community) and 4-5 bedroom 'executive' homes (which are more commercially attractive but less socially impactful) be reviewed.

We note and welcome both the overall reduction in the number of residences and the slight shifting of the mix towards smaller properties. We request that consideration be given to a further shift in this mix, which would further add to the sustainability of the application.

Highway Authority

Detailed comments have been received from the Highway Authority, including responses to various concerns/objections raised by the Parish Council and third parties. In essence, the Highway Authority raises no objections and is satisfied that the proposed development would not create a severe highway safety or efficiency issue. The Highway Authority's responses have been uploaded onto Somerset Council's website. but are also set out below, mindful some relate directly to observations raised by Milborne Port Parish Council.

Initial comments dated 9th March 2022 received from the Highway Authority were in response to highways related issues and questions raised by the Parish Council in its consultation response of 7th March 2022. The Highway Authority provided a detailed response dated 22nd April 2022 directly to Milborne Port Parish Council. The Highway Authority advised that 60 dwellings would, according to the nationally recognised TRICS Database which is the data from which is accepted by this and many Authorities across the country, generate in the region of 30-35 vehicles in the peak hour. Whilst a lot of households own two vehicles, not all vehicles would leave

the housing estate at the same time in the morning. The trip generation figures take into account aspects such as parents who walk their children to school, people working from home, and age demographics such as retired residents who do not accord with workday trip patterns. 30 vehicles over the course of the peak hour equates to approximately one vehicle every two minutes. This cannot be considered a severe impact on the highway network.

Further, this could be offset against mitigation measures such as improved footway facilities, and links to the existing PROW network, and implementation of a Travel Plan. In addition to this, the diversion of Wheathill Lane agreed under application 19/02244/REM (relating to the development site to the west of the current application site) would create a bespoke junction onto Station Road which would accord with current policy standards. Adding into this the fact that there are several property accesses in existence along Wheathill Lane which do not accord with policy by reason of insufficient visibility splays, if accessing property in this location were inherently dangerous, it would be reflected in the collision data held by this Authority. The Highway Authority has checked this data and there is nothing shown where access to property is a contributory factor.

The Highway Authority commented further on 19th May 2022 following consideration of the amended details where it was noted the number of dwellings to be provided had been reduced to no more than 58 units and amended plans provided showing a range of pedestrian infrastructure improvements now being proposed. Any agreed Travel Plan would need to be the subject of a s106 Agreement and should be secured prior to commencement. The Agreement should also cite s278 Highways Act 1980 in order for the developer to carry out the works in the highway to construct the access and footways prior to occupation. Also, in the event of permission being granted, the Highway Authority recommended the imposition of conditions, including the submission of a Construction Environmental Management; provision of on-site surface water disposal; phasing and provision of highway infrastructure construction; provision of parking and turning spaces (including electric vehicle charging points); and creation of visibility splays.

Further comments were received from the Highway Authority on 28th February 2023 and 2nd May 2023 following consideration of revised details relating to footpath provision and improvements in Wheathill Lane. In principle the Highway Authority raised no objections to the proposed pedestrian infrastructure improvements. The improvements can be secured by planning condition and would require the developer entering into a s278 Agreement with the Highway Authority. The previously requested conditions were reiterated. In support of the application, the Highway Authority was mindful of several considerations, namely:

- The road layout would be secured via either s278 or s38 and therefore would accord with current policy standards.
- Widening of the carriageway would add to the available space for on street parking.
- New footways were being provided on desire lines.
- All matters of the new construction would be/have been through safety audits.
- In future, if inappropriate/indiscriminate parking occurs and causes a safety issue in proximity to the new junctions, the local constabulary have powers to move on those vehicles causing the problem.

Most recently further comments/queries relating to highways matters have been raised by the Parish Council in its summary comments dated February 2024. Those comments/queries are in italics with the Highway Authority's response dated 29th February 2024 immediately below.

PC Comments.

Wheathill Lane remains narrow, and our concerns remain regarding cars parking on the footpath rendering the proposed improvements redundant. We are disappointed that our suggestions as to how these issues might further be improved have not been considered.

Highway Authority reply.

Further to the Highway Authority comments previously provided, the Highway Authority requests that a contribution of £3300 be taken from the developer via the s106 Agreement to be held for no longer than 5 years to pay for a traffic regulation order to install yellow lines on the junction in the event that the parking situation in the area becomes a hindrance to the safe performance of the highway in the area.

PC Comments.

Since the application and our related comments, the revised access from Wheathill Lane onto Station Road has been completed, and this has proven to fall well short of what was envisaged when planning was granted, particularly in terms of lines of sight and the effect of cars being parked on the west side of Station Road. We would encourage the Planning team, Highways and the applicant to consider what changes, particularly around road markings and parking restrictions might be looked at to improve the new layout, especially in terms of access of larger vehicles to Wheathill Lane.

Highway Authority reply.

The aforementioned contribution noted above would also answer this concern.

A revised Framework Travel Plan, submitted during February 2024, has been approved by the Highway Authority. Its implementation, and payment of associated Travel Plan fee (£2,000) and a Safeguarding Sum (£7,800), to be paid prior to commencement of development, are to be secured through the S106 Agreement process.

Public Rights of Way Team

No objections. Potential improvements to the path WN 17/35 to cope with any increase in future use, as well as the connecting links to the PROW, should be secured through a s106 agreement and can be technically approved under a s38 adoption agreement. In the event that there is not a s38 agreement, then a separate s278 agreement will be required. Any proposed works must not encroach onto the width of the PROW.

Somerset Ecology Services

Ecology: No objection subject to imposition of ecological mitigation and enhancement conditions.

Phosphates: The proposed development will be connected to Milborne Port Wastewater Treatment Works. A proposed phosphate mitigation scheme includes an agreement for the applicants to purchase 7.63kg of Phosphorus Credits from the approved Woodrow Farm Phosphorus Credits Scheme to mitigate the AMP7 (post December 2024) phosphorus load. The development site and Woodrow Farm are both located within the River Parrett Catchment Site. Somerset Ecology Services concludes 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 completion of a Section 106 Agreement requiring no occupation until after December 2024 and imposition of a planning condition requiring the submission by the applicants/developer to the LPA of an Allocation Certificate which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

Natural England

No objections. The LPA should be mindful of the need to secure the mitigation measures including:

- (i) Ensuring that the proposed new development is required to limit water use to 110 l per person per day
- (ii) Ensuring the new dwelling is not occupied until after the improvements at the Milborne Port WWTWs
- (iii) Ensuring the requisite phosphorus credits are secured by any permission.

Lead Local Flood Authority (LLFA)

Various detailed responses have been received from the LLFA which have been uploaded onto Somerset Council's website in full for consideration. The most recent response from the LLFA is dated 21st February 2024 and has been provided in response to the Parish Council's summary comments of February 2024 (the Parish Council's comments have been set out in full above).

The LLFA advises that, when reviewing the topography, it would appear that the site would most likely drain to the eastern watercourse under current baseline conditions. Furthermore, reviewing Tables 4 and 5 within the submitted Flood Risk Assessment dated December 2021 indicates that for the design storm events (i.e 1 in 2 year, 1 in 30 year, 1 in 100 year, 1 in 100 year+40% climate change) discharge rates will be lower than the calculated greenfield rates for the site impermeable areas. The LLFA would be expecting the 100 year+45% climate change event at the next planning (reserved matters) stage should outline permission be granted.

In addition, the Flood Risk Assessment indicates a direct connection to the eastern watercourse rather than a connection into Lion Drive and Everlanes Close. The LLFA notes that the culverted watercourse to the east appears to be a Somerset Council Structure, and as such it would be unlikely that the Council would allow a connection. However, the LLFA believes that there are several other feasible options to provide a connection to the eastern watercourse. The applicant should be aware that this may require upgrade/repair of existing structures, restriction of discharge rates further and agreement with relevant authorities/landowners. However, taking consideration that this is an outline application for all matters with all matters reserved except access, these details could be secured by a suitably worded condition attached to any grant of outline permission.

To clarify, in regard to the 150mm/hr rainfall, this is not a daily rainfall figure, rather this acts as a cap within the modelling software. Rainfall is calculated using several different factors and setting the mm/hr to a higher number ensures that the outputs do not underestimate the volume of surface water. The calculations provided for this application use a different modelling software and the calculations show instances of results over 100mm/hr (e.g. 100 year 15 min Winter at 101.040mm/hr) showing that this has not been capped at a lower number.

As such, whilst further information may be required for the surface water drainage scheme, the LLFA recommends no objections subject to the imposition of a detailed condition requiring the submission and approval of details of the sustainable surface water drainage scheme for the site prior to commencement of development. The scheme should aim to meet the four pillars of SuDS (water quantity, quality,

biodiversity, and amenity) to meet wider sustainability aims as specified by the NPPF and the Flood and Water Management Act (2010).

Wessex Water

Comments dated 21st March 2022 were received from Wessex Water in response to various drainage related issues/questions raised by the Parish Council in its response dated 7th March 2022.

The Parish Council requested explicit confirmation that sewage capacity in this part of the village could accommodate the proposed additional housing with a significant margin to spare. Wessex Water's advice was that, at this stage, a desktop appraisal has been completed to indicate a point of discharge to the public foul sewer network. If this proposal was to gain approval, computer modelling would then be arranged to assess the need for any capacity improvements. The infrastructure charge paid by all new development would be used to plan and construct capacity improvements for new development flows. Wessex Water manages capacity improvements (where necessary) in collaboration with developers.

In addition, the Parish Council requested explicit confirmation that water pressure in this part of Milborne Port is adequate, both in its own right, and also in terms of accommodating the demands of this proposed development. Wessex Water's advice was that a desktop appraisal has been completed indicating that off-site reinforcement to the water supply network may be necessary to supply the requisite amount of pressure to the development. If the proposed development was to be approved, Wessex Water would arrange for computer modelling to assess the need for capacity improvements.

In addition, Wessex Water noted that the submitted Design and Access Statement advises (2.6.2) "The surface water drainage proposals will include rainwater harvesting, porous paving areas, ditches, swales and wetland basins before a restricted discharge to the nearest watercourse." This outline strategy is acceptable in principle to Wessex Water. There must be no surface water connections to the foul sewer network.

Most recently further comments/queries relating to foul sewerage have been raised by the Parish Council in its summary comments dated February 2024. Those comments/queries are in italics with Wessex Water's response dated 22nd February 2024 immediately below.

PC Comments.

What is not clear is how sewage from the development would connect into the

existing infrastructure nor whether that part of the village infrastructure (in this case Everlanes Close/Lion Drive/Wheathill Way) has capacity to handle the additional volumes. In their communication of 21 March 2022, Wessex Water advise that they have done a desk top appraisal of where the new development sewer will connect into the existing network, though the location of this is not communicated. They state they will look at capacity if the application is approved. This does not appear to be a good planning assessment of whether the site is appropriate in terms of sewage, nor what costs might be to facilitate any necessary infrastructure improvements.

Wessex Water reply.

For 58 dwellings a 150mm foul connection will be required. There is a 150mm public foul sewer in Wheathill Lane, and a 150mm public foul sewer in Everlanes Close. As sewerage provider for this area, we have an obligation to provide foul sewerage services for granted development. Developers can apply to connect to the nearest public foul sewer, at their cost, on a 'size for size' basis and Wessex Water will manage the foul sewer network to accommodate the additional foul flows from granted development. If outline planning is subsequently granted, we will review the network, and plan any improvements we deem necessary, which would be undertaken at our cost and funded by our infrastructure charging arrangements for new development.

PC comments.

We note that Wessex Water have advised that Milborne Port's Waste Water Management Plant is approaching capacity (it can handle the waste of an equivalent of 4,794 people, and Milborne Port has the equivalent of 4,482 as of August 2023). MPPC would be interested what the "safe" margins would be in this regard.

Wessex Water reply.

As previously advised, if the proposal gain outline approval, we will undertake a network review to determine the need for any necessary capacity improvements to maintain current levels of service and compliance, and (where necessary) programme any works in collaboration with developers to agree timescales for connections and occupations.

In addition, Wessex Water has provided comments regarding surface water sewerage. There must be separated systems and no surface water discharge to the public foul sewer either directly or indirectly.

The FRA & drainage strategy advises surface water runoff from the proposed development will drain via swales, ditches, and pipes to a wetland attenuation basin with restricted outfall to the nearby watercourse. The illustrative surface water drainage strategy shows an off-site sewer with an outfall to a watercourse. Adoption

of sewers and elements of the surface water arrangements will be subject to their compliance with the Sewer sector Codes for adoption. For an adoption application to proceed the applicant will need the relevant permissions and discharge consent from third parties for the outfall to the watercourse.

The surface water strategy and discharge rates are to the approval of the LLLFA and must be agreed with the LLFA prior to application to Wessex Water.

In summary, Wessex Water is raising no objections to the application proposals.

Education Authority

The Education Authority provided its initial response on 18th March 2022 to the original proposal for up to 60 dwellings and submitted an amended response on 17th May 2022 to the revised proposal to reduce the number of dwellings to 58.

A proposal of 60 dwellings in this location would generate 6 pupils for Early Years, Beeches play group. The cost to build per pupil for early years expansion would be £17,941.00. There are sufficient places in the primary school and the secondary school in this area at present but an education contribution of £107,646.00 (6 pupils x £17,941) is recommended to enable the Beeches play group to expand its capacity.

For the purpose of the S106 Agreement, as this is an outline application the contributions would be based on a per dwelling cost as follows; $£107,646.00/60 = £1,794.10$ per dwelling. The Education Authority would expect this total per dwelling to be agreed in a S106 to ensure that this proposal is acceptable in planning terms by providing the required early years infrastructure funding to support the expansion and enable sufficient capacity to be available for the pre-school children from this development.

Subsequently, the reduction in the number of dwellings proposed on this application from 60 to 58 does not make a difference to the education contributions required as this many dwellings will still generate 6 early years pupils.

Early Years - 6 pupils will require £107,646.00 towards 'Sticky Fingers Pre-School' to ensure that the children from this development will have a place at the local pre-school.

In 2024, there has been an increase in costs. In respect of early years expansion, the cost to build per pupil has risen to £19,261.81. A 10% increase due to achieving carbon zero standards raises the figure to £21,188.00 (net zero uplift, 10%). Therefore, in 2024, the total costs for 6 early years pupils would be £127,128.00 (6 pupils x £21,188) to enable the Beeches play group to expand.

For the purpose of the S106 Agreement, as this is an outline application the contributions would continue to be based on a per dwelling cost as follows; £127,128.00/58 = £2,191.86 per dwelling. The Education Authority would expect this updated total per dwelling to be agreed in a S106 Agreement to ensure that this proposal is acceptable in planning terms by providing the required early years infrastructure funding to support the expansion and enable sufficient capacity to be available for the pre-school children from this development.

Planning Policy team

No objection to the proposal in principle and acknowledges that the tilted balance in paragraph 11 d) of the National Planning Policy Framework (NPPF) now applies to the decision-making process in light of the Council (in the South Somerset area) having between 2.98 and 3.10 years housing land supply. In conclusion, any recommendation will need to be made in the context of paragraph 11 d) of the NPPF having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply.

The following comments dated 9th March 2022 were made in response to the housing numbers, mix and planning policy issues/questions raised by the Parish Council on 7th March 2022. The Planning Policy team's comments are in italics.

- The LPA should seek to reduce the number of dwellings to the low 50s, rather than the 60 applied for.

The site is identified in the Local Plan Review Preferred Options Policy MP1. Whilst the emerging Local Plan Review has limited weight, it does provide an approximation on the number of dwellings to be achieved on the site as a whole (including the extant permission to the west 17/03985/OUT and 19/02244/REM), which is 'about 110 dwellings'. the site to the west with extant permission for 65 homes, and this proposal for 60 homes, amount to 125 homes. This is not a significant increase on the proposed estimate for the whole site in the Local Plan Review Preferred Options. However, the overall scale, layout and density of the development is one of planning judgement when all other matters are considered including having regard to Policy EQ2 General Development to ensure that places are attractive, durable and function well, which aligns with the aim of the National Design Guide to create beautiful, enduring and successful places.

- Amend the mix of homes to increase the numbers of two and three bedroom dwellings and seek explicit understanding regarding the proposed size mix and location of affordable homes.

As indicated in the Planning Policy Consultation Response (18/02/22), the Local

Housing Needs Assessment (LHNA) 2021 for South Somerset demonstrates the mix of housing needed over the period 2020-2040. Whilst the Planning Statement provides the housing mix for the entire development of 60 homes, it is clear that the proportion of 4 or more bedroom homes is higher, at 37%, than the LHNA identifies (20%). It is likely that once the detail of the affordable housing mix is provided it will result in the percentage of 4 bed market homes being considerably higher, which is inconsistent with the evidence used to support Policy HG5 Achieving a Mix of Market Housing. The LHNA also provides the mix of affordable homes to be achieved across the district over the period 2020-2040. However, it is recognised that each settlement may have its own particular identified needs informed by additional housing-led evidence.

Strategic Housing Team

No objections subject to Section 106 agreement covering affordable housing provision.

Council's Environmental Services

Consideration has been given as to whether the proposed development would provide sufficient Informal Open Space in accordance with Local Plan Policy HW1. (Open space Strategy 2011 - 2015: Quantity Standards). The plans shown on the "Illustrative Layout" identifies approximately 0.52ha of *useable* Public Open Space (POS), an amount in excess of the 0.23ha that is actually required for a development of 50 dwellings.

It is encouraging to note the variety of spaces, including the green corridor style area through almost the centre of the site, nicely linking the other areas of POS and making them more accessible for all residents, as well as the circular walk around the outside of the site and the buffer land to the east making sure the new development connects well to the existing area.

The areas housing the attenuation features have not been included in the calculation of useable POS; however, if they are designed thoughtfully will still provide areas of enjoyment for those on site and the necessity of including them where they are on the current plan is understood.

There are no objections to this application proceeding with the POS provided and designed as it is on the current plans and would request the developer to be mindful of the minimum width of 7m for areas of POS as stipulated in the Design Guide and its Addendum as some areas are only just wider than this.

Council's Strategic Planning Team (South)

Based on 58 dwellings, requests off-site financial contributions towards the following, together with associated maintenance commuted sums.

Equipped play space at the play areas at the Gainsborough site to address the needs generated by the proposed development.

Youth facilities. Renovation of the Gainsborough skate park.

Playing pitches. Provision of football nets to protect the development site as well as the Recreation Ground Pavilion and Child's play area.

Changing rooms provision at the Recreation Ground's Pavilion.

The overall contribution total requested is £174,602 (or £3,010 per dwelling).

Council's Consultant Landscape Architect

Provides detailed responses on 4th July, 26th August, and 16th November 2022, and 28th February 2023 which have been uploaded in full on the website. He has taken into account conclusions set out in the 'Milborne Port Peripheral Landscape Study' which did not conclude against development and that, done sensitively, there is scope for some development of the site.

Retention and protection of perimeter vegetation is of paramount importance, and these must be retained, protected, and reinforced with additional planting and appropriate longer-term management.

Whilst this is an outline application that seeks to establish the principle of development, the matter of access is not reserved for future consideration. Initial concerns were raised about the extent of loss of the roadside hedge fronting Wheathill Lane and thus the full impact on the character of the lane. Additional details have been submitted in respect of the extent of roadside hedge retention and the Consultant Landscape Architect has confirmed that his primary concern being the retention and protection of the road frontage hedge has been addressed in a positive manner. No objection is raised to this proposal subject to the imposition of an appropriately worded condition to ensure ongoing protection of this hedge.

He recommends no objections subject to the imposition of conditions to cover the detailed landscape design and implementation and to ensure ongoing protection of boundary features and especially the retained part of the roadside boundary hedge.

Council's Trees, Hedgerows & Landscape Specialist (Planning)

Other than some hedgerows and a handful of trees on the peripheries, the site itself is rather bare and quite open to views from the wider landscape (particularly from the elevated scarp ridge to the North-East). Being mindful of the requirement for robust green infrastructure and 'tree-lined streets' advocated in the NPPF, the indications of

planting measures are welcomed. However, the well-meaning but rather restrictive emphasis upon a 'native' palette of plantings can be unhelpful when the aim is to secure the resilience of a scheme that is able to meet the long-term challenges of climate-change adaptation. There are positive opportunities to sustainably establish a meaningful number of larger-growing trees, but the indicative landscape measures do not yet appear to have taken advantage of this. Locations that seem particularly well suited for larger sized tree plantings would be alongside the 'inclusive' attenuation ponds, alongside the road frontage and peripheries of the sports field, alongside the existing Public Right of Way to the west, and the open space areas adjoining the site entrance, plus those northern and eastern boundaries.

Subject to imposing suitable conditions relating to tree and hedgerow protection measures and submission of a suitable hard and soft landscaping scheme, he raises no objections to this outline proposal.

Ministry of Defence

The application site occupies the statutory safeguarding zone surrounding Yeovilton RNAS. In particular, the aerodrome height safeguarding zone surrounding the aerodrome and is approximately 13.5 km from the centre of the airfield. In principle the MOD has no safeguarding objections to this proposed development, but due to the proposed site location within the height safeguarding zone, the MOD will need to complete a more detailed assessment once plans and further information about the heights become available. Once further information is submitted, the MOD requests that it is consulted again in order to complete a more detailed safeguarding assessment.

South West Heritage Trust

There are limited or no archaeological implications to this proposal and therefore no objections are raised on archaeological grounds.

Devon and Somerset Fire and Rescue Service

Comments offered in response to a specific item raised by the Parish Council seeking confirmation that water pressure in this apart of Milborne Port is adequate, both in its own right, and also in terms of accommodating the demands of this proposed development. The Fire and Rescue Authority are unable to provide explicit confirmation to the Parish Council's request. However, any mains installed at a new development will be designed to meet water company statutory obligations in terms of constancy and pressure. The pre-determined attendance for Milborne Port is appropriate, with three appliances to be mobilised.

Means of escape in case of fire should comply with the Building Regulations 2000

and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

Access and Facilities for the Fire & Rescue Service Access and facilities for Fire and Rescue Service appliances, should comply with the provisions contained within ADB, Part B5 of the Building Regulations 2010.

Police Designing Out Crime Officer

No objection and provision of comments relating to courtyard parking, provision of knee-high fencing, window positions in active rooms that abut parking spaces, landscaping and defensible space in respect of crime prevention and anti-social behaviour, all to be considered at detailed design stage.

Sport England

Views awaited. Any comments received will be reported orally at the Committee meeting.

Environmental Health

No comments.

NHS

No comments.

REPRESENTATIONS

Over 40 representations have been received from third parties, which have been placed on the website for consideration prior to the determination of this application. All but one out of the total comments received have raised objections to the proposed development,

The most common concerns expressed included matters such as:

- Overlooking and loss of privacy.
- Wheathill Lane is a single country lane which is not suitable for additional traffic.
- The surrounding roads are narrow and not suitable to support further development.
- Increased volume of traffic will impact on the safety of the roads.
- Visibility of the junction is heavily impacted by parked vehicles.
- Pollution generated from increased traffic, lighting, and noise.

- Strain on existing services, including Milborne Port Medical Centre and the Primary School.
- Drainage issues.
- The design is not sympathetic to the character of the village.
- Density of the proposal is too high.
- Building on land of a high landscape value.
- Impact on wild birds and other animals

CONSIDERATIONS

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Settlement Policy Context

Policy SD1: 'Sustainable Development' of the Local Plan states:

"When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework as a whole; or
- Specific policies in that Framework indicate that development should be restricted or refused.

The overall spatial strategy and settlement hierarchy for the District in relation to housing growth is contained within adopted Local Plan Policies SS1, SS4 and SS5.

Local Plan Policy SS1: 'Settlement Strategy' places each settlement in a tier within the 'settlement hierarchy', based on their role and function within the district, where provision for development will be made that meets local housing need, extends local services, and supports economic activity appropriate to the scale of the individual

settlement. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. The overall scale of growth and wider policy framework are key considerations in relation to housing proposals with emphasis on maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. These considerations will apply when considering housing proposals adjacent to the development area at Milborne Port.

Policy SS5 sets out the minimum expectation for the number of dwellings to be built in each settlement during the local plan period. Milborne Port is a Rural Centre within the settlement hierarchy with a requirement for 279 dwellings. Monitoring demonstrates that from the beginning of the adopted Local Plan period (2006) to 31st March 2023, 304 dwellings have been delivered within Milborne Port. As at the 31st March 2023, there are commitments (extant planning permissions) for a further 77 dwellings. As a result, there is potentially a total of 381 dwellings to be delivered within the Plan period (2006 - 2028) and this figure would rise to 439 dwellings should this application be granted planning permission. It should also be noted that there is a further application at Court Lane, Milborne Port pending decision for 22 dwellings.

The level of growth coming forward through existing completions and commitments (381 dwellings) over the plan period 2006-2028 aligns with the Local Plan housing requirement for the higher tier Local Market Towns of Ansford/Castle Cary (374), Langport/Huish Episcopi (374), and Somerton (374). However, the Local Market Towns have also experienced significant growth over the plan period, beyond their respective Local Plan housing requirements. Whilst the amount of growth in Milborne Port is higher than the requirement in the adopted Local Plan Policy SS5, it is consistent with the growth at other Rural Centres such as Martock and South Petherton.

In addition, it must be noted that the number of houses specified in Policy SS5 is a minimum target, and if it is exceeded that does not indicate a conflict with policy. Policy SS5 makes it clear that a permissive approach will be taken when considering housing proposals adjacent to the development area in Rural Centres. The application site is such a site and, as such, the principle of residential development in this location is considered to comply with local plan policy.

Affordable Housing

Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable.

A development of 58 dwellings would be expected to deliver 20 affordable homes. The Council's Housing Specialist has confirmed that affordable housing should be split 75:25 Social Rent: First Homes, noting also that the NPPF requires 10% of the site overall to be provided for affordable home ownership. Based on an overall number of 58 dwellings, the split should be 15 dwellings for social rent and 5 dwellings for First Homes. This would be subject to inclusion within a Section 106 Agreement.

Housing Mix and Layout

Policy HG5 'Achieving a Mix of Market Housing' sets out that a range of market housing types and sizes should be provided across the district that can reasonably meet the market housing needs of the residents of South Somerset. The latest Local Housing Needs Assessment (2021) for South Somerset demonstrates the mix of housing needed over the period 2020-2040. The mix of dwelling sizes is provided by Figure 1 of the LHNA and set out as percentages in the table below. The illustrative housing mix schedule for the entire development of 58 homes, as indicated on the submitted illustrative layout plan no. 201203 L02 02 Rev G, demonstrates that the proportion of 4-bedroom homes (21 dwellings, 36%) and 5-bedroom homes (3 dwellings, 5%) is considerably higher (overall 41%) than the proportions identified in the LHNA (17% for all homes/20% for market homes). This is inconsistent with the evidence used to support Policy HG5.

No. of bedrooms	1 bed	2 bed	3 bed	4 bed+	Total dwellings
LHNA -total housing mix	7%	23%	53%	17%	100%
LHNA - market housing mix	6%	15%	59%	20%	100%
Proposed scheme (illustrative schedule)		14 dwellings 24%	17 dwellings 30%	24 dwellings 41%	55 dwellings
(3 x 2 bed Apartment/Flat Over Garage)		5%			3 apts/FOG

In respect of the affordable housing element, the Council's Housing Specialist notes that the development proposal consists of a mix of 2- to 4- bedroom dwellings. However, the Housing Specialist recommends the following mix of affordable units which does include a small number of 1 bedroom accommodation, and which is based on the expressed demand for the Parish and the South Somerset Local Housing Needs Assessment 2021 (LHNA).

- 20% x 1 bedroom house, flat or bungalow
- 41% x 2 bedroom house or bungalow
- 28% x 3 bedroom house or bungalow
- 11% x 4 bedroom house (to be provided for social rent)

Based on an overall number of 20 affordable units being provided, this would equate to:

- 4 x 1 bedroom house, flat or bungalow
- 8 x 2 bedroom house or bungalow (this can be increased to 9 if the 1 bed total is reduced to 2)
- 6 x 3 bedroom house
- 2 x 4 bedroom house (to be provided for social rent)

In addition, the prevailing minimum internal space standards below should be adhered to for all affordable dwellings on the site:

1 bedroom flat	(2 person)	47 sqm	
2 bedroom flat	(4 person)	66 sqm	
1 bedroom house	(2 person)	55 sqm	
2 bedroom house	(4 person)	76 sqm	(86 sqm if 3 storey)
3 bedroom house	(6 person)	86 sqm	(94 sqm if 3 storey)

The affordable units should be 'pepper potted' throughout the site in clusters and the units developed to blend in with the proposed housing styles. A preference would be for the dwellings to be houses/bungalows or, if flats, to have the appearance of houses and should be in clusters of no more than 8 with a mix of affordable tenures in each cluster. The affordable dwellings would form an integral and inclusive part of the layout.

The various comments raised by the Housing Specialist in respect of the affordable housing units can be included as part of any Section 106 Agreement. In respect of the open market dwellings, notwithstanding the submitted illustrative schedule, the current application is in outline form only (except for access details). As such detailed matters, including the types and sizes of dwellings, can be determined at the 'reserved matters' stage rather than at this outline stage where it is the principle of the development proposal that is being considered. A condition is recommended along the lines that, notwithstanding the illustrative details of the schedule of types of dwelling units to be provided as part of this outline submission, proposals for the size, type, tenure, and range of housing to be developed (including both market and

affordable housing) shall be submitted to and approved in writing by the Local Planning Authority for approval as part of the 'reserved matters' application relating to layout and scale. Development shall thereafter be implemented only in strict accordance with the approved scheme.

Climate Change

Whilst the submitted Planning Statement references and summarises the relevant policies in the adopted Local Plan, including Policy EQ1 'Addressing Climate Change in South Somerset', it does not adequately set out how the development will ensure that climate change mitigation and adaptation would be delivered. References are made to the further detailed stage ('reserved matters') and choices in building fabric. However, it is recognised that green infrastructure provision, orientation and pedestrian connectivity does set a foundation to mitigate and adapt to the effects of climate change.

It is considered that the current outline proposal could make direct reference to how climate change mitigation and adaptation has been specifically considered to meet the aims of Policy EQ1, the Council's wider ambitions to tackle climate change, and more generally the clear national direction of reducing carbon emissions to net zero by 2050. Nevertheless, officers are satisfied that climate change mitigation and adaptation proposals can be adequately considered at the more detailed 'reserved matters' stage should outline permission for this development be approved.

Emerging Local Plan Review (2106-2036)

Work on the emerging Local Plan Review (LPR) has ceased and will no longer be progressed following the formation of the current Somerset Council on 1st April 2023. A Local Development Scheme for the new Somerset Local Plan was agreed by the Executive Committee on 4 October 2023.

Two consultations took place under Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012, the most recent consultation on Preferred Options ending in September 2019.

The site is part of a proposed allocation (Policy MP1) within the Local Plan Review Preferred Options document. Policy MP1 allocates 110 dwellings on land comprising the current application site and the field to the west of the application site (the latter now benefits from a planning approval for 65 dwellings).

Consultation responses were received in relation to the site. This included some concerns raised in relation to the site allocation MP1 'Housing Provision North of Wheathill Lane' regarding traffic congestion along Wheathill Lane, heritage, and the

cumulative impact of growth in the settlement. Further evidence has been gathered in relation to heritage, and a Historic Environment Assessment was published for the site allocation MP1 following concerns raised by Historic England. The HEA did not identify any significant harm to the historic environment although a number of sensitivities were identified; this is within the site context as a whole and therefore includes the western area of MP1 which has already secured planning permission.

However, a number of policy recommendations were made as part of Policy MP1 that should be considered in the context of this proposal, particularly at the detailed stage of application process. Development should:

1. Preserve the historic town silhouette in panoramic views from Wheathill Lane through appropriate building heights.
2. If feasible, create framed views to Milborne Port Methodist Church from within the site.
3. Incorporate a buffer and/or screening at the eastern end of the site to shield the cemetery from noise and light spill and provide screening in views from Ven
4. House Park.
5. Be of a traditional scale - two storeys.
6. Require archaeological assessment through planning process.

It is noted that together, the site to the west with extant permission for 65 homes, and this proposal for 58 homes, amount to 123 homes. This is not a significant increase on the proposed estimate of 110 dwellings for the whole site in the Local Plan Review Preferred Options. However, as the emerging Local Plan Review reached an early stage in its preparation and objections have not been considered, it is judged that limited (if any) weight can be attached to it (paragraph 48 of the NPPF).

HELAA 2021

The Housing and Employment Land Availability Assessment (2021) continues to identify the site as suitable and available for housing under site reference number E/MIPO/0023 - North of Wheathill Lane. This HELAA site includes the site to the west of the proposal which has permission for 65 dwellings and a convenience store (application ref. 19/02244/REM).

Neighbourhood Planning

Milborne Port parish has been formally designated as a Neighbourhood Area on 13th December 2019. To date, no Neighbourhood Plan has been prepared for consultation.

Planning Balance

Milborne Port is a Rural Centre within the settlement hierarchy, which has a defined retail and community role and benefits from a range of community facilities and

services. With regard to the overall scale of growth, the number of homes built during the plan period so far equates to about 18 dwellings per year (304 dwellings / 17 years (2006-2023) = 17.88). If existing commitments are to be built out and a further 58 dwellings were to be approved this would potentially equate to 20 dwellings per year over the entire plan period (439 dwellings (304 completions, 77 commitments, 58 proposed) / 22 years (2026-2028) = 19.95). The applicants have engaged with the community and have included a number of additional community benefits including parking for the cemetery and allotments.

The Council published a Five-year Housing Land Supply 2023-2028 for the former South Somerset area in October 2023 which shows it can demonstrate a housing land supply equivalent to **3.29 years** - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation. Since the publication of the October 2023 report, while preparing for an appeal on a site in Yeovil, the Council has accepted that it has a Five -Year Housing Land Supply position which ranges between **2.85 and 2.96 years**.

A revised NPPF was published on 19th December 2023 along with the Housing Delivery Test (HDT) Measurement 2022. The HDT result for the former South Somerset area is 135%. The NPPF removes the requirement to include a 5% buffer on five-year housing land supplies and now only imposes a 20% buffer where HDT indicates delivery below 85%. The removal of the 5% buffer means that the former South Somerset position would now range between **2.98 and 3.10 years**. The Council therefore acknowledges that this means that the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.

The lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration and any recommendation will need to be made in the context of paragraph 11 d) of the NPPF, 2023 having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply

There is third party local concern about the level of development proposed and the impact on the provision of local infrastructure. In particular, in relation to the primary school and medical facilities provided within the village. However, such concerns are not supported by consultee responses. Based on a proposal for 58 dwellings, the Education Authority has requested a contribution of £127,128.00 (£2,191.86 per dwelling) towards Sticky Fingers Pre-School, to ensure that the children from this development will have a place at the local pre-school. In addition, no comments have

been offered by the NHS, despite having been consulted about this proposal.

Furthermore, the application proposal would indirectly enhance existing community facilities via payment of S106 monies towards community facilities. The Council's Strategic Planning Team (South) has advised that there is a current deficiency in provision in outdoor equipped play space within the Milborne Port locality, which would be further increased as a result of this development. The current skate park facility is also due for maintenance and without funding may lead to a reduction in Youth facilities for the locality, the need for which would also be increased as a result of this development. As such, to address these needs, off-site equipped play space contributions and youth facility contributions are sought to address these needs. In addition, as a result of the development, there will be a greater need for playing pitch and changing room provision within the Milborne Port locality. To address these needs, off-site contributions are sought to increase the provision of changing rooms at the Recreation Ground Pavilion, as well as for the provision of funds to install football nets to protect the Pavilion and associated child play area sites, in addition to the development itself from the abutting pitch.

The proposed development of 58 dwellings would generate a need for 258.68 square metres of space for equipped play, 64.67 square metres of space for youth facilities, 1,552.08 square metres for playing pitches, and 13.58 square metres for changing rooms. In accordance with Local Plan Policies HW1 and SS6, it is considered that the best way to mitigate the generated need would be to increase the provision of improvements to these types of facilities through off site financial contributions.

Appropriate financial contributions towards the following, together with associated maintenance commuted sums would be secured through a Section 106 Agreement (including the payment of relevant legal fees and administration costs):

Equipped play space at the play areas at the Gainsborough site to address the needs generated by the proposed development.

Youth facilities. Renovation of the Gainsborough skate park.

Playing pitches. Provision of football nets to protect the development site as well as the Recreation Ground Pavilion and Child's play area.

Changing rooms provision at the Recreation Ground's Pavilion.

The overall contribution total requested is £174,602 (or £3,010 per dwelling).

Summary

In determining this planning application, in line with para 11d of the NPPF, the housing policies of the Local Plan are out-of-date. As there are not any restrictions under footnote 7 which disengage the tilted balance, the decision-maker is required to undertake the planning balancing exercise, weighted towards granting planning

permission. There must therefore be compelling reasons for planning permission to be withheld.

As the Council is only able to demonstrate a sufficient supply of deliverable sites to meet between 2.98 and 3.10 years' worth of housing land, in accordance with the NPPF, the relevant housing land policies for the determination of this application are considered out-of-date. To this end, reduced weight should be applied to Local Plan housing policies SS1, SS4, and SS5, and the "tilted balance" towards granting planning permission is engaged, unless the adverse effects significantly and demonstrably outweigh the benefits. With that in mind, it is considered that the benefits outlined within this report, namely the delivery of new homes to meet an identified housing need, the provision of up to 20 affordable homes, the community benefits including additional cemetery parking and provision of allotments, as well as stimulus to the local economy, significantly outweigh any adverse impacts. In addition, whilst no longer a significant material consideration, due regard is given to the application site's promotion for residential development in the Housing and Employment Land Availability Assessment (2021) and the former SSDC's Local Plan Review (Policy MP1).

Visual Impact, Landscaping and Open Space

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

Chapter 12 of the NPPF encourages the achievement of well-designed and beautiful places. Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area for the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Also, being sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development.

The site does not fall within any landscape designations, nor does it feature within key views from Registered Parks and Gardens or Conservation Areas. The site is considered to sit well in the surrounding built form and development of this site will not protrude unduly into open countryside.

The landscape strategy has been prepared having regard to a detailed understanding of the site's landscape quality and its context, building upon the green infrastructure assets within the site and seeking to maximise multifunctional benefits. On the whole, changes to the landscape and visual baseline will be localised within the immediate context of the site and to views gained from the elevated vantage of East Hill Escarpment where the proposals would be seen within the context of adjacent residential development. There will however be an inherent effect with the loss of greenfield land.

The scheme proposes to bolster existing perimeter vegetation with additional proposed tree planting, with specific attention given to the northern and eastern boundaries, to ensure appropriate mitigation to landscape and visual impact receptors. Further tree planting and layout adjustments have also been included following feedback from the Parish Council. It is therefore considered that any landscape impact arising from the proposed development can be effectively mitigated through the proposed enhancement to the landscape structure.

The details shown on the "Illustrative Layout" identifies approximately 0.52ha of useable public open space (POS), which is an amount that is in excess of that required for a development of this size, which has been confirmed by the Council's Environmental Services. The proposal shows a variety of spaces, including the green corridor style area through almost the centre of the site, nicely linking the other areas of POS and making them more accessible for all residents, as well as the circular walk around the outside of the site and the buffer land to the east making sure the new development connects well to the existing area.

The streets are shown to be tree lined in accordance with the NPPF which states that *"planning decisions should ensure that new streets are tree-lined and opportunities are taken to incorporate trees elsewhere in developments."* (paragraph 131). It is acknowledged that the revised illustrative layout development reinforces the opportunity for tree-lined streets within the development to enhance overall quality of place, and green infrastructure provision within the scheme; this is consistent with Local Plan Policies EQ2 General Development and EQ5 Green Infrastructure.

The Council has sought advice from an independent Consultant Landscape Architect who has visited the site and surrounds. An LVIA has been submitted with the application and is, in the opinion of the Landscape Architect, appropriately detailed for this proposal. Local landform and existing vegetation and built form dictates the extent of any intervisibility. Other than some hedgerows and a handful of trees on the peripheries, the site itself is rather bare and quite open to views from the wider landscape (particularly from the elevated scarp ridge to the North-East).

The 'Milborne Port Peripheral Landscape Study' (MPPLS) notes that the site is -

- 'An area of moderate landscape sensitivity'
- 'An area of moderate visual sensitivity'
- 'A landscape with a moderate capacity to accommodate built development'

It is accepted that these conclusions were reached in October 2008, long before the adjacent development was consented, and which has obviously changed the baseline criteria. Notwithstanding that, it is considered that these broad conclusions are still correct, and importantly, the MPPLS did not conclude against development. Done sensitively, there is scope for some development on this site, as indeed was recognised by the allocation of this site for residential development in the former SSDC's emerging Local Plan Review.

Retention and protection of perimeter vegetation would be of paramount importance, and these must be retained, protected, and reinforced with additional planting and appropriate longer-term management. Broadly speaking, the internal layout of the scheme as indicated on the submitted illustrative layout drawing achieves this. In addition, the existing roadside hedge fronting Wheathill Lane would be retained as far as possible whilst still having regard to the provision of new access, visibility splays and footpath provision. The site access drawing shows the retained hedge to the west of the site, trimmed back to align with HMPE (Highways Maintainable at Public Expense) ownership. Only a small section of hedgerow is proposed to be removed, i.e. a section of hedgerow either side of the access to be translocated slightly to the north to allow for the required visibility splays. Details of hedgerow translocation/replanting within the site have been noted on the submitted illustrative layout.

The broader proposal would have a good relationship with the village and that this proposed residential extension would be logical and does include 'defendable boundaries' in the form of the Cemetery to the east and the Memorial Recreation Ground to the north. Additional details have been submitted in respect of the extent of roadside hedge retention and the Consultant Landscape Architect has confirmed that his primary concern being the retention and protection of the road frontage hedge has been addressed in a positive manner.

He recommends no objections subject to the imposition of conditions to cover the detailed landscape design and implementation and to ensure ongoing protection of boundary features and especially the retained part of the roadside boundary hedge.

The Council's Trees, Hedgerows & Landscape Specialist (Planning) is mindful of the

requirement for robust green infrastructure and 'tree-lined streets' advocated in the NPPF. Therefore, the indications of planting measures are welcomed in principle. There are positive opportunities to sustainably establish a meaningful number of larger-growing trees, but the indicative landscape measures do not appear to have taken advantage of this. Locations that seem particularly well suited for larger sized tree plantings would be alongside the 'inclusive' attenuation ponds, alongside the road frontage and peripheries of the sports field, alongside the existing Public Right of Way to the west, and the open space areas adjoining the site entrance, plus those northern and eastern boundaries.

Nevertheless, this is an outline application which seeks to establish the principle of development and access. The matters of appearance, landscaping, layout, and scale are reserved for future submission, consideration, and determination. Subject to imposing suitable conditions relating to tree and hedgerow protection measures and submission of a suitable hard and soft landscaping scheme, he raises no objections to this outline proposal.

Having due regard to the comments received from the Council's Consultant Landscape Architect and its Trees, Hedgerows & Landscape Specialist, it is considered that residential development could be provided on the site without causing unacceptable detriment to the landscape character and appearance of the area. Furthermore, it is considered that the illustrative layout plan has demonstrated that the proposed quantum of residential development (together with associated curtilages, residential paraphernalia, garaging/parking areas, access roads and drives thereto), land made available for community uses including the additional cemetery parking and provision of allotments, public open space, landscape planting, biodiversity enhancements, vehicular access from Wheathill Lane, and associated infrastructure works can all be accommodated on the site without resultant unacceptable detriment to the character and appearance of the area.

Third party objection raises concerns over the loss of valuable greenspace in the village. Whilst greenspace is valued in any village setting, this land is not publicly accessible and as such does not offer any value to the village except in relation to visual amenity and as farmland.

No play space or leisure facilities are proposed as part of the application. Nevertheless, as stated above, the Council's Strategic Planning team has confirmed, based on the proposed population from the development, that a financial contribution of £174,602 (£3,010 per dwelling) towards outdoor equipped play and youth facility provision, playing pitches and changing rooms is required. This contribution can be secured via a s106 agreement.

As such, mindful that no objections are being raised by the Council's Consultant Landscape Architect and the Council's Trees, Hedgerows & Landscape Specialist (Planning), it is suggested that it would be difficult for the LPA to sustain a refusal on this basis. Subject to the recommended conditions, the required financial contribution and a satisfactory detailed design at the reserved matters stage, there would be no significant adverse impact on landscape setting and the character of the area. It is considered that the proposed development would comply with Policies EQ2 and EQ5 of the Local Plan.

Access and Highway Safety

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

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

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

Access is considered at this stage. The proposed development would provide for a vehicular and pedestrian access off Wheathill Lane. A new footway would be constructed to the south side of Wheathill Lane to provide continuity and tie in with existing footway provision. A relatively new section of 2.0m footway would be provided, westbound from the new developments off Lion Drive and Everlanes Close. A short section would be 1.5m in width. This reduced width would still be compliant with highways standards but would need to be of the reduced width to maintain current on street residential parking. Also, to achieve this and maintain existing road widths, a 500mm strip of new carriageway would be provided on the north side of Wheathill Lane; this would all be within the highway-maintained land. Drop kerbs

would be provided at the appropriate locations.

West of Wheathill Way junction the existing footway facility would be improved by the removal of the existing small verge strip.

The provision of a continuous footway link on the south side of Wheathill Lane would provide a benefit to all users and would also provide continuous linkage with existing footway facilities on Wheathill Way and south to East Street and on to the town centre. The proposal would be compliant with the highway and transport elements of the NPPF and the Planning Practise Guidance.

Much local concern has been raised about the inadequacies of the highway infrastructure to cope satisfactorily with not only existing volumes of traffic but also the increased traffic generations that would result from this proposed development, including through increased congestion, as well as about the proposed access arrangements and highway implications of the development.

The Highway Authority's comments and recommendation have been set out in full previously in this report. The Highway Authority calculated that the original proposal for 60 dwellings would generate in the region of 30-35 vehicles in the peak hour. 30 vehicles over the course of the peak hour equates to approximately one vehicle every two minutes, which the Highways Authority does not consider to be a severe impact on the highway network. The Highway Authority concluded that any harm associated with the development could be offset against mitigation measures such as improved footway facilities, and links to the existing PROW network, and implementation of a Travel Plan.

Concerns have been raised by the Parish Council over the obstruction of parked vehicles and the impact they would have on road safety. The Highway Authority initially responded by advising that the proposed widening of the carriageway would add to the available space for on street parking, and still allow traffic to pass in a safe manner. If inappropriate/indiscriminate parking occurs and causes a safety issue in proximity to new junctions, the local constabulary would have powers to move on those vehicles causing the problem.

Subsequently however it has been brought to the Highway Authority's notice that traffic flow through the recently amended junction of Wheathill Lane and Station Road is being hindered by inappropriate parking of vehicles. Having regard to the fact that this current development proposal would further intensify the use of this junction, the Highway Authority considers it appropriate for a sum of £3300 to be taken from the applicant/developer to pay for a Traffic Regulation Order should further inappropriate

parking on the junction be caused by the increase of traffic generated by this development. The sum would be taken as part of the mitigation measures included within a s106 Agreement and would be kept for a period of no longer than 5 years. It would only be used as described and would be returned to the applicant/developer in the event that the increased hindrance to traffic flow does not transpire.

In addition, the application proposes improvements to the existing public right of way (PROW) which runs through the site from north to south. The Rights of Way Officer has been consulted on the proposals and has raised no objections to the proposal, subject to ensuring the improvements to the path and connecting links to the PROW are secured through a s106 agreement.

A Framework Travel Plan (TP) has been submitted which proposes a series of practical measures to be implemented by the developer of the site designed to improve sustainability and reduce single occupancy car use. The TP combines a range of "hard measures" such as site design and infrastructure with "soft measures" such as marketing and information provision. The TP seeks to promote the use of alternative modes of transport that will help to reduce journeys made by private vehicle to and from the site. It provides walking, cycling, public transport, and car sharing initiatives in order to achieve a reduction in the level of additional car-borne traffic generated by the proposed development. The measures proposed aim to achieve more sustainable travel patterns from the outset in order to take advantage of the fact that travel behaviour change is more likely to come about when other lifestyle changes such as moving house are occurring, rather than cutting existing car use.

The Highway Authority has considered the most up-to-date TP document (February 2024) and advises that its contents are acceptable. The Travel Plan is to operate from commencement of development to a period of 5 years after 80% occupation, to allow its objectives to be fulfilled. There would be a requirement for the applicant/developer to pay a Travel Plan Fee of £2000 and a Safeguarding Sum of £7800 prior to commencement of the development. These objectives could be achieved through the requirements of a S106 Agreement.

If planning permission were to be granted for this development proposal, the Highway Authority has recommended various highways related conditions and mitigation measures reflected in Section 106 requirements, planning conditions and informatives. As stated above, the section 106 Agreement should secure the Travel Plan and the proposed pedestrian infrastructure improvements along Wheathill Lane, a possible Traffic Regulation Order, together with footpath links to the adjoining Public Right of Way to the west of the site and the cemetery to the east of the site.

Conditions are recommended relating to the submission and approval of a Construction Environmental Management; provision of on-site surface water disposal; phasing and provision of highway infrastructure construction; provision of parking and turning spaces (including electric vehicle charging points); and creation of visibility splays.

Whilst the Highway Authority accepts local third-party opinion may not support the proposal, in highway terms the Authority's assessment does not highlight any grounds on which to base an objection. The Highway Authority is content the development will not create a severe highway safety or efficiency issue.

Overall, the application site is in a sustainable location, having regard to the scale of development proposed and the role and function of the settlement which benefits from a variety of local facilities and amenities. The increase in vehicle movements as a result of the proposed development does not give rise to an objection on traffic generation or highway safety grounds from the Highway Authority and is therefore deemed to be acceptable in accordance with Local Plan Policies TA5 and TA6 and relevant guidance within the NPPF.

Flooding and Drainage

The application site is at a low risk of flooding, lying as it does within Flood Zone 1. A flood risk assessment (FRA) and drainage strategy have been prepared by the applicant's drainage consultants, Teign Consult, to assess the impact of development on the site, in relation to flood risk and drainage. Ground investigation has proven that infiltration is not viable on the site, instead the surface water drainage proposals will include rainwater harvesting, porous paving areas, ditches, swales, and wetland basins before a restricted discharge to the nearest watercourse.

The LLFA has considered the scheme in detail and has confirmed that, overall, it is content that a satisfactory means of drainage can be achieved on the site. The imposition of drainage conditions on any permission issued has been recommended.

Wessex Water has also confirmed that the outline strategy is acceptable in principle to Wessex Water.

As such, subject to suitable conditions to control surface water drainage and foul drainage, the proposals are considered to be in accordance with Local Plan Policy EQ1 and relevant guidance within the NPPF.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of

development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

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

The site comprises a single species poor, improved grassland field, with hedgerows bounding the site to the north, south and southeast. The application proposals would result in the loss of improved grassland but would deliver approximately 300m of new hedgerow, along with new grassland and wetland habitats associated with open space and the drainage strategy.

Somerset Ecology Services has had regard to the results of the submitted Ecological Impact assessment (EcIA) at the site.

Protected Species

Amphibian

The eDNA analysis confirmed the absence of Great Crested Newts from these ponds. The site is likely to be of value to common amphibian species at a local level albeit this is limited by the lack of waterbodies within and adjacent to the site. As such, the site is of negligible value to GCN.

Badger

No confirmed evidence for the presence of badger was recorded within or adjacent to the site. Mammal paths were recorded at the northern and eastern site boundaries; however, there was no corroborating evidence to establish what species had made these paths. No evidence for the presence of setts was recorded at the site, although there is some potential that dense hedgerows obscured evidence. Given the minimal evidence of badger recorded at the site, it is considered that the site provides some foraging opportunities as part of a wider home range, and also habitat suitable for sett building, although none was confirmed. Badgers are not listed as a species of principal importance for the conservation of biodiversity in England and have therefore not been assigned a scale of importance in this case but are considered in this assessment in relation to their legal protection only.

Bats

No features were identified within any of the trees on site that could be used by roosting bats, whilst no buildings are present within or adjacent to the site.

Accordingly, the site provides negligible importance for roosting bats.

The results of transect surveys indicate that the hedgerows on site are used by a low number of species, and that activity is concentrated along the northern boundary of the site, as this offers a linear dark flight corridor. Hedgerows bounding the site provide good navigational features and foraging resources connecting to other similar suitable habitat in the local area in an otherwise built-up environment. These habitats are therefore considered to be of Local importance for commuting and foraging bats.

The grassland dominating the internal area of the site supported very little bat activity, limited to occasional passes by bats, and as such is considered to be of value a less than the local level.

Birds

The site is likely of use to a small assemblage of common urban edge birds, with the hedgerows forming suitable nesting and foraging habitat, and the grassland also providing some foraging habitat. As such the site is likely to be of no more than local value to birds.

Given the small size of the site, it is very unlikely that a notable assemblage of birds would make use of the site, whilst the habitats of highest value, namely the hedgerows, are largely retained under the proposals in any event. As such, it is considered that birds are not a constraint to the proposals at the site.

Dormouse

A total of 50 nest tubes were installed in April 2021 at approximately 10 m intervals within the boundary hedgerows. The tubes were subsequently checked in June and September 2021. During the survey visit of September 2020, two new dormouse nests were identified in the northern and southern hedgerows. Given the presence of this species at the site, but the comparative small amount of suitable habitat present in comparison to the wider surrounds, it is considered the site is of value at the Local level for this species.

Invertebrates

Hedgerows and grassland provide habitats suitable to support a range of species. However, as the habitats are common and widespread in the area, the site is considered to be important at no more than local level for invertebrates.

Reptiles

The hedgerows and associated margins at the site provide some habitat for common reptiles such as slow worm; however, the short mown sward and improved character of the grassland is of limited value to this species group. As such, the site is considered to be of less than local value to common reptiles.

Other Notable Species

The site and habitats in its immediate surrounds offer foraging and refuge opportunities for hedgehogs. The site is up to local importance for the species. Given the lack of aquatic habitat within the site and its near surrounds, there is negligible potential for riparian fauna such as otter to make any use of the site.

Based on the assessment and conclusions in the submitted EcIA and having considered the proposed scheme and its potential impact on protected species and existing ecological features, Somerset Ecology Services has not raised any objections to the proposal but has recommended that several mitigation and enhancement conditions be attached to any grant of planning permission. These include the requirement for the applicant to obtain a Natural England licence relating to dormice protection or a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence. Also, that all ecological measures and/or works are carried out in accordance with the enhancement measures set out in the submitted EcIA report. In addition, a Construction Environmental Management Plan relating to various biodiversity interests, a Landscape and Ecological Management Plan, and a lighting strategy to show that areas to be lit would not disturb or prevent bats using their territory should be submitted to and approved by the LPA.

As such, subject to the suggested conditions and a satisfactory detailed design at the reserved matters stage, there would be no significant adverse impact on biodiversity in accordance with Policy EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Phosphates

The site falls within the catchment area for phosphates affecting the Somerset Levels and Moors. The proposed development would be connected to Milborne Port Wastewater Treatment Works. As per the Somerset Phosphorus Calculator, the current change in phosphorus load is 35.13 kgP/yr and AMP7 (post December 2024) change in phosphorus load is 7.63 kgP/yr.

The proposed phosphate mitigation for the scheme involves an agreement having been made to purchase 7.63kg of Phosphorus Credits from the approved Woodrow Farm Phosphorus Credits Scheme to mitigate the AMP7 (post December 2024) phosphorus load. The application site and Woodrow Farm are both located within the River Parrett Catchment Site. The shadow Habitats Regulations Assessment provided by David Hiscox, Woodrow Dairy Ltd, demonstrates that, provided the correct number of credits are purchased, no impacts are anticipated on the Ramsar Site.

Based on the above Somerset Ecology Services conclude that these proposals would result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation. It is recommended that the applicant enters into a S106 Agreement confirming no occupation of the development until after December 2024 (AMP7 upgrades) and that a condition is imposed requiring the submission of an Allocation Certificate to the LPA which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate would comprise a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied, enabling the LPA to conclude on the basis of the best available scientific evidence that such additional nutrient loading would not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

A further condition is recommended relating to water consumption.

Natural England notes that the submitted nutrient statement concludes that, after the Milborne Port WWTW improvements to take place by 2025, the scheme would result in the discharge of an additional 7.63 kg TP yr to the R Brue hydrological catchment of the Somerset Levels and Moors Ramsar site which will be offset through acquisition of phosphorus credits from the Yew Tree Farm approved phosphorus mitigation scheme. Natural England accepts the nutrient budget for the scheme and the proposed approach to delivering phosphorus mitigation and, on this basis, agrees with the submitted shadow Habitats Regulations Assessment.

Natural England advises that there will be a need to secure the mitigation measures including:

- Ensuring that the proposed new development is required to limit water use to 110 l per person per day.
- Ensuring the new dwelling is not occupied until after the improvements at the Milborne Port WWTWs.
- Ensuring the requisite phosphorus credits are secured by any permission.

Appropriate S106 requirements and conditions can be suitably imposed on the grant of planning permission to address such requirements, and this is recommended accordingly.

Residential Amenity

Due to the application site's edge of village location, potential for residential amenity concerns is limited to impacts on existing residential properties on the opposite side of Wheathill Lane to the south of the site. Concern has been expressed by nearby residents about impact on amenity.

However, the application proposal is in outline form and therefore future detailed matters relating to scale, layout and appearance of the proposed dwellings are reserved for future consideration by the Council. As such, the submitted layout shown on the submitted illustrative layout drawing is indicative only. It is considered that the site is adequate to enable an appropriate scheme to be designed that would avoid any substantive harm to neighbour amenity in terms of significant and unacceptable dominance, overbearing impact, overshadowing, overlooking and loss of privacy.

It is acknowledged that any proposed residential development on the site could result in loss of views currently enjoyed by some existing residents. However, planning decisions must be based solely on material planning considerations. The scope of what constitutes a material consideration is very wide. In general case law has taken the view that 'planning' is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. In this same vein, the loss of private view is not an overriding material planning consideration that can be taken into account.

Nevertheless, mindful of the proximity of the proposed development to nearby existing properties, it is recommended that a site-specific Construction Environmental Management Plan (CEMP) condition is attached to any grant of permission in order to safeguard residential amenity during the construction process. The Plan would need to demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

For these reasons, and with the inclusion of the recommended CEMP condition, the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

Other Matters

Archaeology

Paragraph 200 of the NPPF advises that, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk-based

assessment and, where necessary, a field evaluation.

Paragraph 211 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

South West Heritage Trust advises that, as far as it is aware there are limited or no archaeological implications to this proposal and therefore raises no objections on archaeological grounds.

Loss of Agricultural Land

Agricultural Land Classification is a system used in England and Wales to grade the quality of land for agricultural use.

Grade 1 - excellent quality agricultural land with no or very minor limitations.

Grade 2 - very good quality agricultural land with minor limitations which affect crop yield, cultivations or harvesting.

Subgrade 3a - good quality agricultural land with moderate limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land can produce moderate to high yields of a narrow range of crops or moderate yields of a wide range of crops.

Subgrade 3b - moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass.

Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range and level of yield of crops.

Grade 5 - very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing with the exception of occasional pioneer forage crops.

The application site comprises agricultural land classified as being Grade 3a, so is considered to be good quality agricultural land, the best and most versatile. The NPPF, in footnote 62, advises that *"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The availability of land for food production should be considered alongside the other policies in the Framework, when deciding what sites are most appropriate for development."*

There is no relevant policy within the Local Plan specifically applicable to agricultural land protection.

In this case, whilst the benefits of the land to the economy and in other ways is recognised, it is not considered that the loss of approximately 3 hectares of this land from the significant stock of such land in South Somerset and around Milborne Port specifically, is significant. It should be considered as an adverse impact of the scheme but, given the scale of the loss, it should not be afforded significant weight in the planning balance and should not override the significant benefits of the scheme.

Broadband

The Parish Council has requested that all residences have ultra-fast broadband fibre connected to them during construction. This is not an unreasonable request. Nevertheless, when attaching conditions to any grant of planning permission, Government has provided specific advice about the 'Use of Planning Conditions'. Conditions requiring compliance with other regulatory requirements (e.g. Building Regulations, Environmental Protection Act) will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate.

The Building etc. (Amendment) (England) (No.2) Regulations 2022 (known as the "Amendment Regulations") and new requirements RA1 and RA2 to Part R in Schedule 1 to the Building Regulations introduce new infrastructure and connectivity requirements upon developers to install the following for newly erected dwellings:

- The gigabit-ready physical infrastructure necessary for gigabit-capable connections (ducts, chambers etc. and network termination points at each dwelling) up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to the distribution point; and
- Subject to a £2,000 cost cap per dwelling, a functioning gigabit-capable connection (fibre optic cable or other technological means of facilitating such a connection) or where a developer is unable to secure a gigabit-capable connection within the cost cap, the next fastest technology connection available, provided this can be done without that connection also exceeding the cost cap.

In the first instance this should be a superfast broadband connection and failing that a standard public electronic communications network connection. Where a next fastest technology connection (also referred to as a 'next best' technology connection) or no connection can be secured within the cost cap, a developer must still install gigabit-ready physical infrastructure.

Mindful of these requirements under the Building Regulations and having regard to

the Government's advice as to the appropriateness of using planning conditions, it is not considered necessary to impose a planning condition along the lines requested by the Parish Council as this would duplicate other statutory non-planning regulations. Nevertheless, an informative is suggested which will make reference to the requirements under the Building Regulations.

Section 106 Contributions and CIL

The financial contributions requested by the Education Authority and the Council's Strategic Planning Team are noted, as is the recommendation from the Highway Authority regarding securing Travel Plan provisions and various highway mitigation measures.

The proposal involves the provision of affordable housing that would require a legal obligation to be entered into ahead of issuing any planning permission.

Access links to the existing public right of way to the west of the site and to the cemetery to the east of the site would need to be secured and provided prior to occupation of any dwelling and thereafter retained and maintained for public use in perpetuity.

In addition, there would be a need for the submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain public open space; landscape "buffer zones", including any retained and new trees and hedgerows along the boundaries of and within the application site; dog walking areas; proposed allotments and associated parking area for users of the allotments; the proposed car park for visitors to the cemetery to the east of the site; any surface water attenuation features; and any roads and/or footpaths that may not be adopted by the Highway Authority.

Finally, in terms of phosphate mitigation, because the proposed development would be connected to Milborne Port Wastewater Treatment Works and upgrades to the Treatment Works will not be completed until the end of 2024/into 2025, there will need to be a requirement confirming that there would be no residential occupation of any of the dwellings until after December 2024 (AMP7 upgrades).

The application is also liable to CIL.

Conclusions and the Planning Balance

With no five year supply of housing land in Somerset, footnote 8 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where the local planning

authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 77) or where the Housing Delivery Test indicates that the delivery of housing was substantially below 75% of the housing requirement over the previous three years.

As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that *"For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development include the proposal bringing forward several contributions towards education provision, community, sport and leisure provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping the Council towards a five year housing land supply, improving the sustainability of existing village services and facilities and providing contributions in the form of Community Infrastructure Levy (to be calculated at reserved matters). The proposal would also provide economic benefits. These would be both in the short-term during construction and in the longer-term as residents access local services.

Given the issues surrounding phosphates, which is currently holding up delivery of housing in the area, and that this site is available now as it has a phosphate solution in place, the benefit of housing in this case should be given substantial weight.

Weighed against the benefits outlined above, the scheme would also cause some

harm. There would be some harm to the character and appearance of the surrounding area. There would also be conflict with development plan policies setting out the Council's strategy for delivering housing, which is a matter of great importance in a plan-led planning system. Policies SS1 and SS5 have more than fulfilled their objectives in terms of providing housing within Milborne Port; therefore, they attract full weight. Finally, there is some limited harm in terms of a loss of Grade 3a good quality agricultural land. Further areas of some harm, albeit limited, are the disturbance likely to be caused during the construction phase of the development.

Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the Highway Authority, or by any other consultees who have been invited to comment, except in respect of Sport England. It should be noted that at the time of compiling this report, the consultation period inviting comments from Sport England had not lapsed. Any comment received from Sport England will be reported orally at the Committee meeting, although it is not anticipated that any overriding objections will be received from Sport England. Material planning considerations in respect of highways, drainage, ecology, landscape, possible contamination, phosphate mitigation and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions and/or S106 requirements.

Given all of the above and having due regard to the 'tilted balance', and on the assumption that Sport England raises no objections that would be deemed to be 'overriding' when assessing the 'tilted balance', it is considered that the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, outline planning permission should be granted.

In conclusion, and again subject to comments received from Sport England, the application is recommended for approval subject to completion of a Section 106 Agreement and various planning conditions and informatives, which include those recommended by consultees.

RECOMMENDATION

Permission be granted subject to -

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

a) Affordable Housing Provision

- i) 35% affordable housing, split 75 / 25, Social Rent / First Homes on a pro rata basis.

Of this 35%, at least 10% of the total number of affordable homes must be available for affordable home ownership as part of the overall affordable housing contribution from the site.

Based on an overall number of 58 dwellings, this would equate to 20 affordable homes, split:

- 15 dwellings for social rent
- 5 dwellings for First Homes

- ii) Numbers, type, and bedroom mix of affordable housing to be based on the South Somerset Local Housing Needs Assessment 2021 and having regard to the expressed demand on Homefinder Somerset, comprising the following:

- 20% x 1 bedroom house, flat or bungalow
- 41% x 2 bedroom house or bungalow
- 28% x 3 bedroom house or bungalow
- 11% x 4 bedroom house (to be provided for social rent)

Based on an overall number of 20 affordable units being provided, this would equate to:

- 4 no. x 1 bedroom house, flat or bungalow
- 8 no. x 2 bedroom house or bungalow
- 6 no. x 3 bedroom house or bungalow
- 2 no. x 4 bedroom house (to be provided for social rent only)

- iii) Exact details of tenure and locations on site shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Specialist.

- The affordable units shall form an integral and inclusive part of the layout.
- The affordable units shall be 'pepper potted' throughout the site with the affordable units in clusters of no more than 8 with a mix of affordable tenures in each cluster, unless the Lead Specialist Planning in consultation with the Council's Housing Specialist agree to any variation in the numbers of units within each cluster.
- The affordable units shall be developed to blend in with the proposed housing styles. The affordable dwelling units should comprise houses or bungalows or, if flats, have the appearance of houses.

- iv) Adherence to the following minimum space standards (GIA) for the affordable units:

1 bedroom flat	(2 person)	47 sqm	
2 bedroom flat	(4 person)	66 sqm	
1 bedroom house	(2 person)	55 sqm	
2 bedroom house	(4 person)	76 sqm	(86 sqm if 3 storey)
3 bedroom house	(6 person)	86 sqm	(94 sqm if 3 storey)
4 bedroom house	(8 person)	106 sqm	(114 sqm if 3 storey)

- v) Timing of the construction of the affordable units and its phasing in relation to occupancy of the market housing. Completion and fitting out so as to be available for occupation of not less than 33% (rounded down to the nearest whole number) of the affordable dwellings prior to occupation of 33% (rounded down to the nearest whole number) of the open market dwellings; and all the affordable dwellings to be completed and fitted out so as to be available for occupation prior to occupation of 67% (rounded up to the nearest whole number) of the open market dwellings.
- vi) Prior to commencement of development, the Council's Housing Specialist to be informed of the selected affordable housing association partner for the delivery of the affordable units and arrangements for the transfer of the affordable units to that affordable housing association partner. The following is a list of the Council's main housing association partners, but this is not to be considered as exhaustive:
- LiveWest Housing
 - Magna Housing
 - Stonewater Housing and,
 - Abri
- vii) The affordable housing to be made available to people with a local connection to the primary parish first, then people with a connection to adjoining parishes, then the former administrative area of South Somerset, and then the County of Somerset as a whole on a priority basis, to the satisfaction of the Council's Housing Specialist.
- viii) Arrangements to ensure that the provision of affordable units is affordable for both first and subsequent occupiers of the affordable units, and the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.

b) Education Financial Contribution

- i) Overall financial contributions of £127,128.00 (calculations based on 58 dwellings) to be paid to Somerset Council as Education Authority towards the improvement and/or expansion of early years/pre-school education.
- ii) Flexible formulae to be included should fewer than 58 dwellings be constructed, based on £2,191.86 per dwelling for early years.
- iii) Initial payment prior to occupation of 33% of dwellings, second payment prior to 66% occupation of dwellings and final payment prior to 100% occupation of dwellings.
- iv) All education payments to be calculated with Building Cost Information Service (BCIS) indexation.
- v) The education financial contribution figures set out in i) and ii) above shall be subject to review/update by the Education Authority in light of any new evidence and data that may arise should the section 106 agreement not be completed within 6 months of the Area South Planning Committee's resolution to grant permission.

c) Equipped Play Area, Youth Facilities, Playing Pitches and Changing Rooms Financial Contribution

- i) Overall off-site financial contribution of £174,602.00 (calculations based on 58 dwellings) (including 1% Locality Service administration fee of £1,729.00) or £3,010.00 per dwelling towards equipped play space at the play areas at the Gainsborough site to address the needs generated by the proposed development, renovation of the Gainsborough skate park, provision of football nets to protect the development site as well as the Recreation Ground Pavilion and Child's play area, and changing rooms provision at the Recreation Ground's Pavilion.
- ii) Contributions towards the equipped play space and youth facilities (£92,636.00) to be payable upon occupation of the first 25% of the proposed dwellings (15 dwellings based on a 58 total) and towards the playing pitches and changing rooms (£81,966.00) to be payable upon occupation of 50% of the proposed dwellings (29 dwellings based on a 58 total).

iii) All contributions to be indexed linked.

d) Travel Plan

- i) The implementation of the approved Framework Travel Plan dated February 2024 (Trace Design Transport and Civil Engineering, Project Ref: 4480, Issue V03 dated 22nd February 2024), or any subsequent amended Travel Plan that may be required to be submitted to and approved in writing by the Highway Authority, to operate from commencement of development to a period of 5 years after 80% occupation, to allow its objectives to be fulfilled, (such date of first occupation having been notified in writing to the Local Planning Authority by the applicant/developer either prior to said occupation commencing or no later than 7 days from the date of said first occupation having occurred).
- ii) Payment of the Travel Plan Fee of £2000.00 and a Safeguarding Sum of £7800.00 by the applicant/developer prior to commencement of development.

e) Highway Mitigation Measures

Completion of the highways works including, but not necessarily confined to, the access into the site from Wheathill Lane, the footway works, pedestrian infrastructure improvements, and all aspects of adoptable highway construction associated therewith prior to commencement of development or first occupation of any new dwelling (depending on the works) to include the S278 Highways Act obligations within the S106 Agreement. Such Highway Works will include those works set out below:

- Development of the internal layout of the development designed to facilitate pedestrian connections to the site boundaries.
- Extension of the existing footway on the southern side of Wheathill Lane connecting the existing footway serving the new development off Everlanes Close with the junction with Wheathill Way.
- Provision of footway on the northern side of Wheathill Lane connecting the eastern side of the proposed site access to Wheathill Way.
- Provision of two dropped kerbs on both sides of Wheathill Lane plus an additional short section of footway on the northern side of Wheathill Lane providing access to Public Right of Way WN 17/35.
- Provision of internal footpaths providing access between the proposed site access and the Milborne Port Cemetery.
- A contribution of £3,300.00 to be kept for no longer than 5 years to pay for

a Traffic Regulation Order to install yellow lines on the junction of Wheathill Lane and Station Road to remove any incidents of inappropriate parking should this transpire.

f) **Public Footpath and Cemetery Links**

- i) Completion of a minimum of two new pedestrian footpath links from within the application site onto and connecting to the public right of way (path WN 17/35) that runs to the west of the site, together with any alterations deemed necessary to improve access onto the public right of way from Wheathill Lane. Any proposed works must not encroach onto the width of the public right of way.
- ii) Completion of one new pedestrian footpath link from within the application site connecting to Milborne Port Cemetery to the east of the site.
- iii) The completion of the pedestrian footpath links from within the application site onto and connecting to the public right of way (path WN 17/35), together with any alterations deemed necessary to improve access onto the public right of way from Wheathill Lane, and the completion of the one new pedestrian footpath link from within the application site connecting to Milborne Port Cemetery to the east of the site shall all be undertaken prior to the occupation of more than 30% of the proposed dwellings (17 dwellings based on a 58 total), or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority.
- iv) Thereafter, the approved pedestrian footpath links to the public right of way (WN 17/35) and to the cemetery shall be retained and maintained and remain open for public access in perpetuity and shall, at no times, be obstructed and public use prevented, unless there is a need for the carrying out of essential repairs and maintenance to any part of the footpath links, in which case prior written notification from the applicant/developer shall be submitted to the Local Planning Authority with clear details provided as to the extent of repair or maintenance works to be carried out and the length of time such obstruction will occur, and subsequent written approval provided by the Local Planning Authority.
- v) Carrying out of upgrades and improvements to the existing public right of way (WN 17/35) in accordance with details to be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway

Authority) and in accordance with an approved timetable for carrying and completing such upgrade/improvement works. Such details and timetable for implementing the upgrades/improvements to be submitted to the Local Planning Authority for consideration prior to commencement of development.

- vi) Development, insofar as it affects the public right of way, should not be started, and the public right of way should be kept open for public use, until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted.

g) Public Open Space, Landscaping, Allotments and Parking, Car Park for Cemetery Visitors

- i) Prior to the occupation of more than 30% of the proposed dwellings (17 dwellings based on a 58 total), or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority, the provision, construction and completion of allotments, the associated car park for users of/visitors to the allotments, a car park for visitors to the cemetery to the east of the site, and a footpath link from that cemetery car park to the eastern boundary of the site.
- ii) Prior to the occupation of more than 60% of the proposed dwellings (35 dwellings based on a 58 total), or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority, the provision, construction, planting and completion of an area or areas of public open space, together with any potential surface water attenuation features, landscape "buffer zones", dog walking areas, retention of hedgerows and trees along the boundaries of and within the application site, planting of any new trees/hedgerows along the boundaries of the site and/or within the area of public open space, and any unadopted footpaths and cycleways (except those subject to i) above).
- iii) Provision for the management and maintenance in perpetuity of the public open space areas, potential surface water attenuation features, landscape "buffer zones", dog walking areas, all newly planted and retained hedgerows and trees along the boundaries of and within the application site's boundaries, the allotments and associated car park, the car park to be used for parking of vehicles belonging to visitors to the adjoining cemetery, and all unadopted footpaths and cycleways.

- iv) Option for management and maintenance of the public open spaces by an approved management company or for the Council or Parish Council to adopt the public open space areas, together with the features therein, including payment by the applicant to the Council or Parish Council (or a management company created by either Council) of a commuted sum for such adoption

h) Management Company or Other Arrangements

Submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain any public open space areas, dog walking areas, allotments and associated car park, car park to be used by visitors to the cemetery, landscaped areas and hedgerows (excluding landscaped areas and hedgerows within domestic curtilages) that may not be adopted by the Council and maintained by the Council's management company, and any roads and/or footpaths and cycleways that may not be adopted by the Highway Authority prior to first occupation of any dwelling hereby permitted (such date of first occupation having been notified in writing to the Local Planning Authority by the applicant/developer either prior to said occupation commencing or no later than 7 days from the date of said first occupation having occurred) or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority.

i) Phosphate Mitigation

The proposed development is to be connected to Milborne Port Wastewater Treatment Works. However requisite upgrades to the Treatment Works will not be completed until the end of 2024/into 2025. Therefore, there shall be no residential occupation of any of the dwellings until after December 2024 (AMP7 upgrades).

And for the following reason:

- 01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity, including impact on the Somerset Levels and Moors Ramsar site and Special Area of Conservation as to justify a refusal of planning

permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 58 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Approval of appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

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

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

03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

Details and drawings subject to which the planning permission is granted

04. The development hereby permitted shall be restricted to no more than 58 dwellings.

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

05. Unless otherwise indicated by other conditions attached to this decision, the development hereby permitted shall accord with the following approved plans in

respect of the extent of application site to which this grant of outline planning permission relates and also the proposed access details:

Drawing no. 201203 L 01 01. Location Plan

Drawing no. 201203 L 02 02 Revision G. Illustrative Layout (as applicable to proposed new and/or improved vehicular and pedestrian accesses onto Wheathill Lane and connections to the public right of way WN 17/35 and Milborne Port Cemetery)

Drawing no. 4480-004 Revision D. Proposed footway extension

Drawing no. 201203 SK220830. Access Landscape Plan

Drawing no. 201203 SK221114. Access General Arrangement

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

06. The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:
- (a) Planting plans (to a recognised scale) and schedules indicating the location, numbers of individual species, density, spacings, sizes, forms, root types/root volumes and size of proposed tree, hedge, and shrub. All planting stock must be specified as UK-Grown, unless otherwise previously agreed in writing by the Local Planning Authority.
 - (b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, tree pit design, earth-moulding, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.
 - (c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - (d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).
 - (e) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge (banks)), where appropriate;
 - (f) An on-going management and maintenance plan of all the approved landscaping features.
 - (g) All ecological enhancement and compensation measures referred to in Sections 5 and 7 and Appendix 10 of the submitted document 'Ecological Impact Assessment' ref. 1261-EcIA-MD prepared by GE Consulting dated 16th December 2021.

- (h) A timetable for the implementation of the approved hard and soft landscaping scheme.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation (within the dormant planting season between November to February inclusively) and shall thereafter be protected, managed, and maintained in accordance with the approved scheme.

Reason: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Notwithstanding the illustrative details of the schedule of types of dwelling units to be provided (as indicated on the illustrative layout drawing no. 201203 L 02 02 Revision G), details of the size, type, tenure and range of housing to be developed (including both market and affordable housing) shall be submitted to the Local Planning Authority for approval as part of the reserved matters application relating to layout and scale in accordance with condition 01 of this outline grant of planning permission. Development shall thereafter be implemented only in strict accordance with the approved scheme.

Reason: This permission is in outline only and this condition is imposed to ensure the provision of inclusive, balanced, and mixed communities, to meet the present and future housing needs of the area, by requiring delivery of the most appropriate size, type, tenure, and range of additional housing, having regard to Policies SD1, HG3 and HG5 of the South Somerset Local Plan and relevant guidance within the NPPF.

Pre-commencement conditions

08. Prior to commencement of development, site vegetative clearance, groundworks, heavy machinery entering site or the on-site storage of materials,
- (a) a scheme of tree and hedgerow protection measures must be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - 'Trees in relation to design, demolition and construction' (in accordance with item 6.3, the scheme must include a

- sequenced scheme of supervisory monitoring of the installation and maintenance of protective measures and the supervision of specialist working techniques - by a competent Arboriculturalist) and shall be submitted to and approved in writing by the Local Planning Authority; and
- (b) the tree and hedgerow protection measures shall be fully installed and completed (in particular, any required fencing, signage and ground-protection installations) in accordance with the details approved in writing by the Local Planning Authority and confirmed as such in writing by the Local Planning Authority within 21 days from written notification of completion of the approved protection scheme by the applicant/developer.

The approved tree and hedgerow protection scheme shall remain installed in its entirety for the duration of the construction of the development (inclusive of any hard and soft landscaping operations) and shall only be moved, removed, or dismantled with the prior written consent of the Local Planning Authority.

Reason: The submission and agreement of a scheme of tree and hedgerow protection measures prepared by a suitably experienced and qualified arboricultural consultant, and the subsequent full implementation of the approved protection measures, prior to commencement of development is fundamental to enable the Local Planning Authority to consider all tree and hedgerow protection measures in order to preserve existing landscape features (trees and hedgerows), in the interests of visual amenity and biodiversity having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. No development shall commence, including any demolition, groundworks, or vegetation clearance, until details of the sustainable surface water drainage scheme, based on sustainable drainage principles which aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, together with measures to control and attenuate surface water, how provision shall be made within the site for disposal of surface water so as to prevent its discharge onto the highway, and details of 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.

These details shall include, but not limited to:

- (a) Drawings / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features,

pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.

- (b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - (i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - (ii) Where relevant, calculations should consider the use of surcharged outfall conditions.
 - (iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - (iv) Results should be provided as a summary for each return period (as opposed to each individual storm event and include the 100 year event with the most up to date climate change figure).
 - (v) Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.
- (c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- (d) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- (e) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- (f) Details on the final discharge location, including but not limited to (where relevant), CCTV surveys of existing features upgrade/repair of existing structures, restriction of discharge rates further if required, agreement with relevant authorities/landowners/riparian owners/third party land owners, and demonstration that the receiving system has capacity and condition to take flows from the site.

Reason: The agreement of details of a surface water drainage scheme prior to commencement of development is fundamental to ensure that the development is served by a satisfactory system of surface water drainage, which will aim to

enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims as specified by the National Planning Policy Framework (September 2023) and the Flood and Water Management Act 2010, and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with Policies SD1, EQ1, EQ2 and EQ5 of the South Somerset Local Plan, relevant guidance within the NPPF and the Technical Guidance to the NPPF.

10. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include the following:

- (a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.
- (b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.
- (c) Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- (d) A plan showing the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.
- (e) A schedule and location plan for the delivery, removal, loading and unloading of all plant, waste and construction materials to and from the site, including the times of such loading and unloading; details of how deliveries and removals, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway with guidance of a trained banksman.
- (f) Arrangements to receive abnormal loads or unusually large vehicles.

- (g) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours. Procedures for emergency deviation of the agreed working hours shall be in place, the details of which shall be agreed with the Local Planning Authority.
- (h) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.
- (i) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.
- (j) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, together with the regular use of a road sweeper for the local highways.
- (k) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.
- (l) Details of any piling together with details of how any associated vibration will be monitored and controlled.
- (m) The location and noise levels of any site electricity generators.
- (n) Management of surface water run-off from the site in general during the construction period.
- (o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
- (p) A scheme to encourage the use of Public Transport amongst contractors.
- (q) Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site.
- (r) Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison (including with the Highway Authority and the Council's Environmental Protection Team).

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to residents; the prevention of harm being caused to the amenity of the area; and in the interests of highway safety during the construction process, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

11. No development shall commence, including any demolition, groundworks, or vegetation clearance, until the applicant/developer has submitted to the Local Planning Authority either:
 - (a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - (b) a statement in writing from a competent licenced dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

The Local Planning Authority shall acknowledge receipt and confirm its acceptance in writing of either the Natural England licence or the ecologist's written statement within 21 days following its receipt.

Reason: Given the presence of this species (dormice) at the site, but the comparative small amount of suitable habitat present in comparison to the wider surrounds, it is considered the site is of value at the Local level for this species. As such, the submission to, and written confirmation of acceptance by, the Local Planning Authority of either a copy of the licence issued by Natural England or a written statement from a qualified competent dormouse ecologist to the effect that he/she does not consider that the development will require a licence prior to the commencement of development is fundamental to ensure there is strict protection afforded to a European protected species, having due regard to Policy EQ4 of the South Somerset Local Plan, relevant guidance within the NPPF and relevant statutory legislation.

12. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- (a) Risk assessment of potentially damaging construction activities.

- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers safeguarding measures, dormouse mitigation measures, precautionary safeguarding measures for bats, reptile and amphibians clearance measures, hedgehog clearance measures, etc.
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council's Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases).
- (h) Use of protective fences, exclusion barriers and warning signs.
- (i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

Reason: The agreement of details of a Construction Environmental Management Plan (Biodiversity) prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection and prevention of harm being caused to the amenity of the area, having regard to Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF, and In the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following details:
- (a) Description and evaluation of features to be managed.
 - (b) Ecological trends and constraints on site that might influence management.

- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organisation responsible for implementation of the plan.
- (h) On-going monitoring and remedial measures.

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

Reason: The agreement of details of a Landscape and Ecological Management Plan prior to the commencement of development is fundamental to ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework, Policy EQ4 of the South Somerset Local Plan, and in the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

14. No removal of hedgerows, trees or shrubs, or works to or the demolition of buildings or structures 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 or works to or demolition of buildings commences and provided 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 and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

15. No development relating to the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and a method of construction implementation programme shall be submitted to the Local Planning Authority.
- (a) Estate roads, footways, tactile paving, cycleways, pedestrian, and cycle routes and associated vehicular accesses and crossings, and junctions.
 - (b) Sewers, highway drainage and service routes.
 - (c) Retaining walls, vehicle overhang margins and embankments.
 - (d) Visibility splays.
 - (e) Proposed levels and all carriageway and drive gradients.
 - (f) Car, motorcycle, and cycle parking.
 - (g) Hard and soft structural landscape areas, means of enclosure and boundary treatment.
 - (h) Street lighting and street furniture.
 - (i) Lay-bys or alternative facilities.
 - (j) Swept path analysis for a vehicle of 11.4m length.
 - (k) Central pedestrian reserves, bollards, and lighting.
 - (l) Service corridors.

There shall be no first occupation of any dwelling until the development has been constructed in accordance with the approved details as set out in the method of construction implementation programme unless otherwise previously agreed in writing by the Local Planning Authority (in consultation with the Highway Authority) and retained in perpetuity thereafter.

Reason: The agreement of details relating to highways infrastructure prior to the commencement of development is fundamental in the interests of highway safety and public convenience, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

16. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on

the centre line of the access onto Wheathill Lane and extending to points on the nearside carriageway edge 33 metres to the west and 36 metres to the east either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: Having regard to the size of vehicles to be accessing the site during the construction phase, the provision of the full visibility splays prior to commencement of development works on the site is fundamental in the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Pre-occupancy or other stage conditions

17. The on-site surface water drainage scheme, approved pursuant to condition 09, shall be implemented and installed in accordance with the approved details prior to the construction of development above slab or damp-proof course level, or as otherwise may previously be agreed in writing by the Local Planning Authority (in consultation with the Highway Authority and Lead Local Flood Authority) and maintained and retained at all times thereafter.

Reason: In the interests of highway safety and convenience and to avoid flooding of the site and the adjoining highways, in accordance with Policies EQ1, EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

18. No part of the development hereby permitted shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority and Lead Local Flood Authority). Thereafter, the approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

19. The development hereby permitted shall not be occupied until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the

development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF, including paragraphs 180 and 186-188.

20. No individual dwelling hereby permitted 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 Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF, including paragraphs 139, 159 and 186.

21. No dwelling hereby permitted shall be occupied until the proposed access connecting the site to Wheathill Lane has been fully provided, constructed and made available for use in accordance with the details indicated on the approved drawings referenced in condition 05 of this permission, or unless as may be previously agreed in writing by the Local Planning Authority in consultation with the Highway Authority that occupation of any dwelling may take place prior to the completion of the requisite works to the access. The proposed access shall be properly consolidated and surfaced (not loose stone or gravel and to a minimum of base course level) and drained in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and highway safety, further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

22. Prior to the occupation of more than 30% of the proposed dwellings hereby permitted, or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority, all footpaths (and cycleways if applicable) connecting the site to the existing public right of way WN 17/35 and to Milborne Port Cemetery shall be fully provided to the boundaries of the application site, constructed and made available for use in accordance with the details indicated on the approved drawings referenced in condition 05 of this permission. The proposed footpath/cycleway links shall be properly consolidated and surfaced (not loose stone or gravel) and drained in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved footpaths (and cycleways if applicable) shall be retained and maintained and remain open for public access in perpetuity and shall, at no times, be obstructed and public use prevented, unless there is a need for the carrying out of essential repairs and maintenance to any part of the footways/cycleways, in which case prior written notification from the applicant/developer (or from the Highway Authority if said cycleways and footways to be repaired are adopted) shall be submitted to the Local Planning Authority with clear details provided as to the extent of repair or maintenance works to be carried out and the length of time such obstruction will occur, and subsequent written approval provided by the Local Planning Authority.

Reason: In the interests of sustainability and allowing ease of movement for pedestrians and cyclists from the application site to Wheathill Lane, the existing public right of way and the cemetery in perpetuity in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance in the NPPF.

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

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

24. All garaging, vehicular and bicycle parking and turning spaces shall be provided, laid out, properly consolidated, surfaced, drained and (where appropriate) delineated in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining roads, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

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

26. No dwelling hereby permitted shall be occupied until refuse and recycling storage areas have been provided to serve each dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining, and screening of such refuse/recycling storage areas. The refuse/recycling storage areas shall thereafter be retained and maintained as

such unless the Local Planning Authority gives prior written approval to any subsequent variations.

Reason: To provide adequate provision of on-site refuse and recycling storage to serve the proposed dwellings to ensure that any impact on visual and residential amenity is kept to a minimum, having regard to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

Reason: In the interests of highway safety, further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

28. Prior to first occupation of any dwelling hereby permitted, or in accordance with an alternative timetable for submission as may previously be agreed in writing by the Local Planning Authority, all the ecological compensation and enhancement features, as referred to in condition 06, shall be fully installed and photographs (and a plan showing their respective locations) of the installed ecological compensation and enhancement features shall also be submitted to the Local Planning Authority prior to first occupation and the Local Planning Authority shall acknowledge receipt and confirm its acceptance of the photographs within 21 days thereafter following its receipt.

Reason: The provision of, and submission to, and written confirmation of acceptance by, the Local Planning Authority of the photographs of the stated ecological enhancement measures is fundamental to ensure that the development contributes to the Government's target of no net biodiversity loss as set out in the NPPF and Policy EQ4 of the South Somerset Local Plan, and obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

29. Prior to the installation, construction, and provision of any external lighting on the site (excluding any temporary lighting provided during the construction phase of the development), details of all external lighting to be installed/provided on the site, including a lighting design for bats, shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging,
- (b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places,
- (c) accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels, and
- (d) include details of the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site and the hours at which such lighting is to be operated.

All external lighting shall be installed in accordance with the specifications and locations set out in the design strategy, and these shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting be installed on the site without prior written approval from the Local Planning Authority.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of neighbouring property; to safeguard any biodiversity interests in the interests of the Favourable Conservation Status of populations of European protected species; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4, EQ5, EQ7 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

Conditions relating to post occupancy monitoring and management

- 30. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule approved pursuant to condition 08, if

within a period of five years from the date of the completion of the dwellings or completion of the approved landscaping scheme pursuant to condition 06 (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

31. All the approved ecological compensation and enhancement features, as referred to in condition 06, shall be retained and maintained in-situ and shall not be removed, either in whole or in part, without the prior written approval of the Local Planning Authority. Under no circumstances should blocking of approved bat boxes or roosts, bird boxes or other ecological enhancement features be carried out and they shall be kept free from vegetation.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in the National Planning Policy Framework and the Draft Environment (Principles and Governance) Bill 2018.

32. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting, or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:
- (a) Part 1, Class A (enlargements, improvements, or other alterations)
 - (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storey)
 - (c) Part 1, Class B (roof additions)
 - (d) Part 1, Class C (other roof alterations) and
 - (e) Part 2, Class A (gates, fences, walls, or other means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the locality in general, by ensuring there are no inappropriate extensions to dwellings and means of enclosure when viewed from public vantage points; to prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property; and to safeguard on-site parking and circulation areas, having regard to Policies EQ2, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

33. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no construction of any gas compounds, electricity substations, buildings for the purposes of electronic communications or water pumping stations shall commence prior to the submission to and written approval from the Local Planning Authority relating to details of the siting, levels, elevations, dimensions, external materials, access arrangements, boundary treatments and landscaping for each of those utility buildings or compounds. Development shall thereafter be undertaken only in accordance with the approved details.

Reason: To ensure that the siting and external appearance of any utility compounds and buildings is acceptable in relation to the character and visual amenity of the development and the wider area, and in the interests of protecting the amenity of occupiers of neighbouring dwellings and buildings; maintaining highway safety; protecting biodiversity; protecting green infrastructure resources; and having regard to Policies EQ2, EQ4, EQ5, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. Legal Agreement

This permission shall be read in conjunction with the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between (1) Somerset Council; (2) xxxxx; and (3) xxxxxxxx and dated xxxxx 2024.

02. CIL

Please be advised that approval of this application by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

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

You are advised to visit our website for further details Somerset CIL (<https://www.somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/>) or email cil@somerset.gov.uk

03. Birds

The developer/applicant is reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the 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.

In the event that vegetation removal will be taking place then further consultation must be sought prior to this.

04. Bats

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 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.

05. Land Drainage Act

Somerset Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

06. Surface Water Drainage

In respect of conditions 09, 17 and 18, any surface water systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will the Highway Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

07. Advance Payment Code

In respect of condition 15, if it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). To qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

08. Allocation Certificate

The Local Planning Authority considers that condition 19 goes to the heart of the permission (by reason of being a HRA issue) and failure to discharge will result in unauthorised development at risk of enforcement and/or requiring the submission of a new application for the development.

09. Contamination

It should be noted that, with reference to the National Planning Policy Framework (December 2023) paragraph 190, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

10. Public Rights of Way

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

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

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

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

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

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

then a temporary closure order will be necessary, and a suitable alternative route must be provided. For more information, please visit Somerset Council's Rights of Way pages to apply for a temporary closure:

<https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporary-closure-of-a-right-of-way/>

11. Electronic Communications

The Building etc. (Amendment) (England) (No.2) Regulations 2022 (known as the "Amendment Regulations") and new requirements RA1 and RA2 to Part R in Schedule 1 to the Building Regulations has introduced new infrastructure and connectivity requirements upon developers to install the following for newly erected dwellings:

- The gigabit-ready physical infrastructure necessary for gigabit-capable connections (ducts, chambers etc. and network termination points at each dwelling) up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to the distribution point; and
- Subject to a £2,000 cost cap per dwelling, a functioning gigabit-capable connection (fibre optic cable or other technological means of facilitating

such a connection) or where a developer is unable to secure a gigabit-capable connection within the cost cap, the next fastest technology connection available, provided this can be done without that connection also exceeding the cost cap.

In the first instance this should be a superfast broadband connection and failing that a standard public electronic communications network connection. Where a next fastest technology connection (also referred to as a 'next best' technology connection) or no connection can be secured within the cost cap, a developer must still install gigabit-ready physical infrastructure.

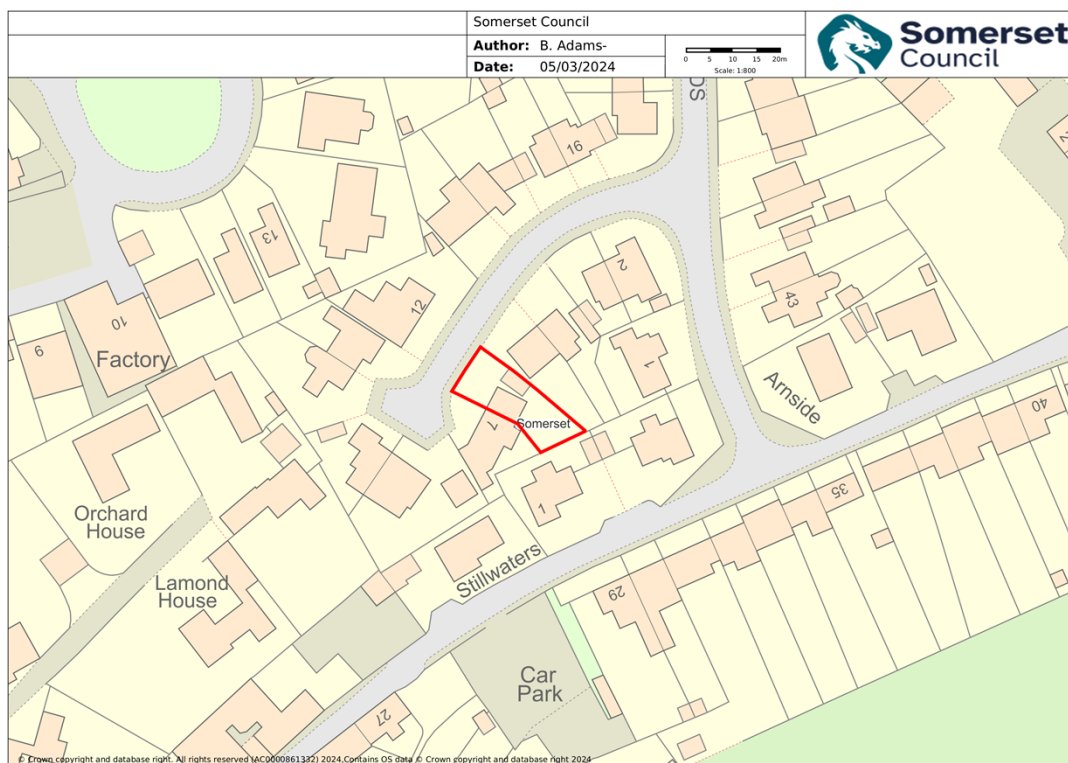
Officer Report On Planning Application: 23/03213/HOU

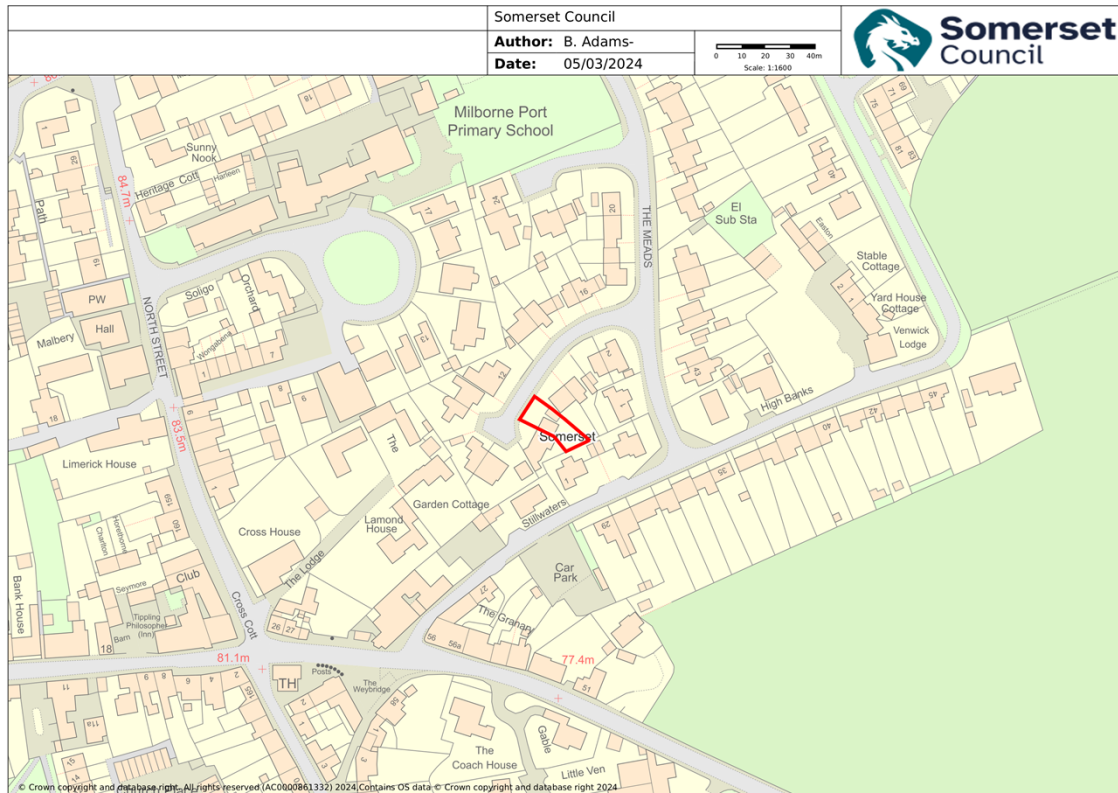
Proposal:	Proposed two storey side extension and alterations.
Site Address:	6 The Meads, Milborne Port, Somerset, DT9 5DS
Parish:	Milborne Port
BLACKMOOR VALE Division	Cllr Nicola Clark Cllr Sarah Dyke
Recommending Case Officer:	Daniel Gordon (Case Officer)
Target date:	16th February 2024
Applicant:	Mr Grant Mitchell
Agent: (no agent if blank)	Mr Ross Fisher, The Old Warehouse, 31 Durgate Street, Dorchester DT1 1JP
Application Type:	Other Householder - not a Change of Use

Reason For Referral To Committee

This application was referred to the Chair and Vice Chair of the Area South Planning Committee under Somerset Council's scheme of delegation as the Parish Council has supported the application, contrary to the officer recommendation. Following conversations with the Divisional Members the Vice Chair have requested that this application is presented at the Area South Planning Committee.

Site Description:





6 The Meads is a two-storey, detached dwellinghouse located within the Parish of Milborne Port. The dwelling does not fall within a Conservation Area, is not a listed building and does not sit in immediate proximity to any listed buildings.

This application seeks full planning permission for the erection of a two-storey side extension measuring approximately 4m in width and 7.3m in depth. The overall height measures approximately 5.8m.

Neighbours/consultees correct: Yes

Policy:

South Somerset Local Plan 2006-28:

- Policy SD1 - Sustainable Development
- Policy EQ2 - Design and General Development
- 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 and Beautiful Places

Chapter 15 - Conserving and Enhancing the Natural Environment

Planning Practice Guidance.

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

National Design Guide - September 2019

Town/Parish Council:

MILBORNE PORT PARISH COUNCIL

Support.

Other Consultees:

HIGHWAYS AUTHORITY

Standing advice applies

Neighbour Comments: No representations were received.

Design/Layout/Materials:

Policy EQ2 of the Local Plan requires development to be designed to achieve a high quality. Development proposals, extensions and alterations to existing buildings will be considered against several considerations, including, reinforcing local distinctiveness and respecting local context, local area character, and site specific considerations. As a preamble to the Policy, paragraph 13.29 of the Local Plan states:

'All development will be expected to achieve high-quality architectural and urban design standards, creating places that are attractive, durable and function well. All developments will be expected to achieve high environmental standards and levels of sustainability. All buildings should be designed to be fit for purpose and adaptable in their use to suit changing occupier needs over time.'

This is reinforced by the up-to-date guidance in the NPPF (December 2023) which advises that decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character, including the surrounding built environment and landscape setting (para. 135).

The existing dwelling is of a traditional 1960s/70s build, consisting of reconstituted stone and a pitched roof. This is common of the surrounding area. albeit there are minor differences between each dwelling in the area. Subsequent additions have been in keeping with the character of the area using matching materials and in the case of the surrounding two storey side extensions, consisting of pitched roofs that allow for the continuance and consistency of design.

The proposed development comprises a flat roof two storey extension measuring approximately 5.8m and clad in Siberian larch. The two-storey extension is attached to the host dwelling through a 5.2m tall charred larch link.

It is considered the style of the proposed extension would be unsympathetic to the appearance of the existing dwelling. This would be particularly apparent though the use of a flat roof which forms a jarring relationship to the house. The choice of some construction materials (Larch cladding and charred larch cladding), its flat roof design and its scale would result in a form of development which would not respect local distinctiveness and would detract from the character and appearance of the host dwelling and the wider locality.

The link extension would not sit flush with the building and the use of cladding would represent incongruous features that are not present within the vast majority of surrounding properties. As such, the proposed development would create an unfortunate precedent within the surrounding area in terms of design and materials. When considering the overall street scene, the development would be out of sync with its surroundings and would possess little relationship with the existing built form and the street scene and would therefore fail to tie in with the general pattern and rhythm of development. Overall it is considered the two-storey side extension would represent a significant and visually stark addition to the existing dwelling and street scene.

The proposed development would therefore likely have significant detrimental impact in terms of visual amenity and would therefore fail to be in accordance with the relevant parts of Policy EQ2 of the Local Plan and the aims and provisions of the NPPF.

Highways:

The Highway Authority has referred to Standing Advice. The proposal includes the demolition of an existing single garage to accommodate the proposed extension. No replacement on-site parking is being proposed. As such, the proposal would reduce on-site parking spaces whilst increasing the number of bedrooms to four. Milborne

Port falls within the 'amber zone' of the Somerset Parking Strategy. Therefore the dwelling requires 3 parking spaces. However, the proposal would only result in the retention of one parking space and therefore fails to meet these standards. On this basis, the proposed development is considered not to satisfy the requirements of the Somerset Parking Strategy 2013 and, therefore, not 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 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:

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: Not withstanding parish support. The proposed development is not considered to be acceptable and recommended for refusal.

Recommendation - Refuse for the following reasons:

01. The proposed development, by reason of its scale, design and materials, would represent inappropriate development in that the extension would detract from the appearance of its host dwelling and would possess little relationship with the existing street scene. The proposal would therefore likely have significant detrimental impact in terms of visual amenity and the development would therefore fail to be in accordance with the relevant parts of Policy EQ2 of the Local Plan and the aims and provisions of the NPPF.
 02. The proposed development includes the demolition of an existing single garage with no provision for any replacement parking, which would therefore result in only one on-site parking space being provided. As such, there would be inadequate on-site parking facilities to serve the development, thus resulting in increased parking on the highway which would likely prejudice highway safety interests contrary to Somerset Local Plan Policies TA5 and TA6.
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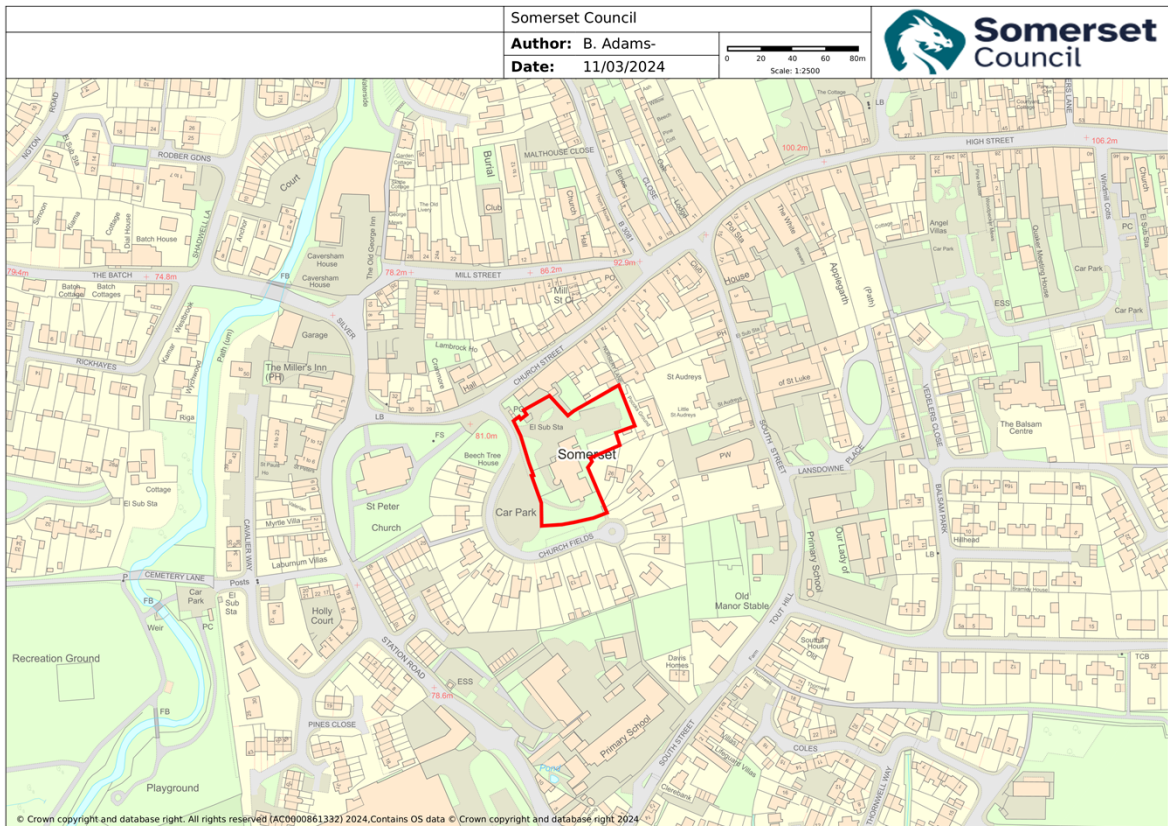
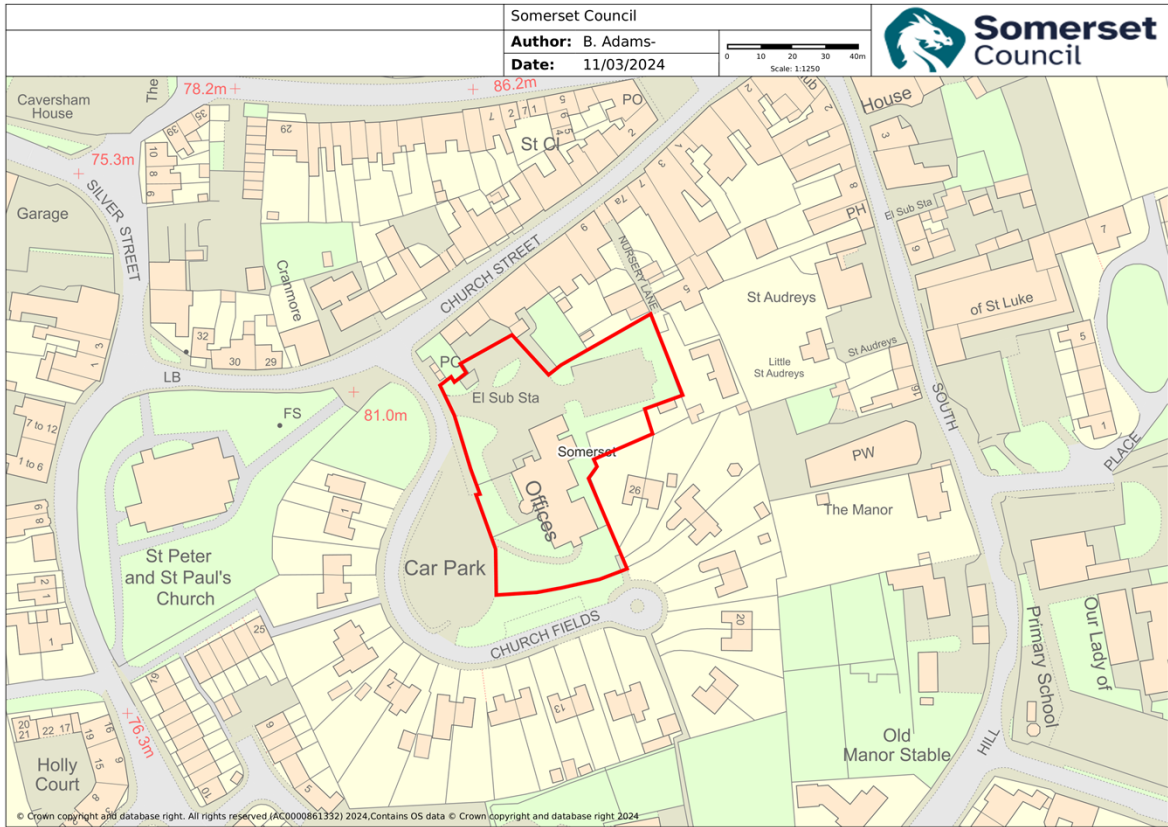
Officer Report On Planning Application: 22/03341/FUL

Proposal:	The erection of 4No. dwellings, alteration to parking layout and formation of new access
Site Address:	Land Rear Of Council Offices Churchfields, High Street, Wincanton, Somerset
Parish:	Wincanton
WINCANTON AND BRUTON Division	Cllr Lucy Trimnell Cllr Tom Power
Recommending Case Officer:	Stanley Norris (Specialist)
Target date:	19th April 2023
Applicant:	Arlington (Wincanton) Ltd
Agent: (no agent if blank)	Chapman Lily Planning Ltd, Unit 5 Designer House, Sandford Lane, Wareham BH20 4DY
Application Typ :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application was referred to the Chair and Vice Chair of the Area South Planning Committee under Somerset Council's scheme of delegation as the Town Council has objected to the application, contrary to the officer recommendation. Following conversations with the Divisional Members the Chair/Vice Chair have requested that this application is presented at the Area South Planning Committee.

SITE DESCRIPTION AND PROPOSAL



This application relates to the former Council Offices and associated car park at Churchfields, close to the Wincanton Town Council within the designated Conservation Area. The application site is accessed from Churchfields, a residential cul-de-sac comprising numerous semi-detached dwellings, as well as a public car park. Churchfields (the former council offices) has formerly been granted consent for its conversion to 15 residential units.

This application seeks consent for the erection of four dwellings within the eastern corner of the site and the provision of a new access to the southern end of the site to provide further parking in line with the previously permitted conversion of Churchfields to 15 flats. The dwellings would be provided in the form of two pairs of semi-detached dwellings comprising 2x2 bedroom units and 2x3 bedroom units. The dwellings would be finished in natural stone on the front elevation with other elevations rendered, set under a tiled roof with timber openings.

HISTORY

- 23/02210/S73A - S73A Application to vary Condition 02 (electric supply) & remove Condition 06 (obscure glazing) relating to planning consent - Pending consideration.
- 23/01100/FUL - Alterations to existing fenestration and additional fenestration to existing building - Application permitted with conditions.
- 22/01991/P3MA - Prior approval for proposed change of use from commercial, business & service Class E to dwellinghouses Class C3 to create 15 residential dwelling units- Application permitted with conditions.
- 15/00084/COU - Change of use of lower ground floor area of building (south wing) to a nursery - Application permitted with conditions.
- 14/04613/FUL - Erection of a single storey extension to south wing of building - Application permitted with conditions
- 08/00898/FUL - Alterations and extension to be used as a cell to provide facility for police service - Application permitted with conditions

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are

determined in accordance with the development plan unless material considerations indicate otherwise.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respects conservation areas and states:

"In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

For the purposes of determining current applications, the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015) and the Wincanton Neighbourhood Plan 2018-2028.

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places and Beautiful Places

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

Other Material Consideration:

Planning Policy Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice V3.

CONSULTATIONS - *Full responses online*

WINCANTON TOWN COUNCIL -

Council resolved to recommend refusal of this application on the grounds that insufficient consideration had been given to access and parking taking account of the number of dwellings and the impact upon neighbouring properties.

COUNTY HIGHWAY AUTHORITY -

No Objection subject to conditions securing parking provision, EV chargers, a CEMP and surface water runoff.

SOMERSET ECOLOGY SERVICES -

Recommend a series of conditions but have made the following comments:

A Preliminary Ecological Appraisal of the site was carried out by Ecosupport in May 2023. The results of the report are summarised below (some sections taken directly from the report).

The site comprises of a large former rectory converted into offices, coach house, car park, and associated gardens. The immediate environment consists of residential buildings on all boundaries. In the wider landscape, the town of Wincanton is surrounded by a mosaic of woodland strips, grasslands, arable land, and pasture fields until towns are reached. The proposal involves the construction of 4 dwellings on the current car park. It is assumed the proposals will predominantly involve the loss of the areas of grassland and the hardstanding area of the car park which is only considered to be of value at the Site level of significance (i.e. modified grassland). The loss or damage to this habitat and potential indirect effects would have a minor adverse impact to habitats of local value.

Survey Results - Notable and Protected Species:

Bats: The adjacent building has a confirmed Serotine roost present as can be seen in (Preliminary Ecological Appraisal, Churchfields, Wincanton Eco support Ltd 2022) (and in Fig 7). Please note the lighting strategy in section 6.2.2 must be followed to ensure light spill is kept to a minimum.

Birds: The hedgerows, woodland and grassland areas on-site provide ideal nesting habitat for tree and ground nesting and foraging birds. Due to the ideal breeding and nesting bird habitat within and surrounding the site, the site is considered to be of High potential for nesting and breeding birds.

Badger: During the walkover no evidence of badgers was noted on site (I.e setts,

latrine or snuffle holes) and there is no suitable foraging and commuting habitat due to the habitat in the wider environment. Therefore, the site has negligible potential to support badgers.

Reptiles: The majority of the modified grassland habitat on-site can be considered to offer suitable habitat for reptiles due to the sward the structure typically favoured by reptiles (Edgar et al., 2010). Given the suitability of the habitat and the isolated site location, these areas would be considered to offer Low potential for common reptiles.

Amphibians: One river was identified within 250m of the site following a review of OS maps and aerial imagery. The approximate location is shown in Fig 8 below. Due to the lack of connectivity (busy roads and urban dwellings) and the nature of the waterbody, the site is considered to offer Negligible potential for great crested newts.

Dormice: Although there is hedgerow present on site, it does not connect to any favourable habitat within the surrounding area as the surrounding environment is largely urban. As such, the site is considered to be of Negligible potential for Dormice.

WESSEX WATER -

Wessex Water has no objections to this application.

SOMERSET COUNCIL TREE OFFICER -

No objections subject to conditions.

SOMERSET COUNCIL CONSERVATION OFFICER -

I was asked to look at this last year. I had concerns about the poor layout of the scheme, the parking and the impact it would have on the conservation area. We did have some negotiation reduce the high dominance of the car on the scheme and improve the layout. I am now of the view that if we are required to have 4 houses on the site this is the least harmful way to do it. I consider that the scheme will still be harmful but the harm falls within NPPF paragraph 208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Because of this I need to formally object, but I am content that the planning officer may need to factor other considerations when coming to a final recommendation.

HISTORIC ENGLAND -

'Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the

merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.'

SOMERSET COUNCIL RIGHTS OF WAY -

No comments received.

REPRESENTATIONS

22 representations have been received comprising 18 objections and 4 'representations' - neither objecting or supporting.

Key themes within the submitted objections include:

- Impact on amenity of neighbouring properties through overlooking
- Red line plan includes the access path to neighbouring properties
- Insufficient parking provided on site
- Loss of parking for neighbouring residents which is already stretched
- Would impact the ability for neighbours to create driveways
- Impact on wildlife
- Loss of trees
- Further traffic within the cul-de-sac

CONSIDERATIONS

Principle of Development

Policy SD1 of the Local Plan recognises that, when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

Policy SS1 highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres.

Wincanton is defined as a Primary Market Town, where provision will be made for housing, employment, shopping, and other services that increase their self-containment and enhance their roles as service centres. The site is located in a residential setting, close to shops, services and facilities and, as such, is considered a sustainable location for housing. Therefore, the principle of residential development

in this location is considered to accord with local plan and national policies and is accepted.

Visual Amenity/ Impact on Conservation Area:

The National Planning Policy Framework and Policy EQ2 of the SSLP advocate the need for high quality development. Paragraph 131 of the NPPF advises that "good design is a key aspect of sustainable development which creates better places in which to live and work and helps make development acceptable to communities". Policy EQ2 of the SSLP states that development should be of high quality, and "promote local distinctiveness and preserve or enhance the character and appearance of the district'.

The proposed development is considered to be appropriate in terms of siting, scale, and layout. The proposed design and palette of materials is considered to be in keeping with the surrounding area and is similar in scale, design, and materials to other dwellings within the vicinity. It is noted that the Conservation Officer had been consulted on the application and had suggested a range of amendments to the design of the dwellings and alterations to the carparking area to soften the impact of the development which have been adopted. Whilst he has raised an objection on the basis that the development would cause less than substantial harm to the character and appearance of the Conservation Area contrary to Policy EQ3 of the Local Plan, he has acknowledged that the amended design and siting would be the least harmful way of providing dwellings within the site.

Should the application be approved, conditions will be imposed securing the details of the external materials to be used within the proposed dwellings to be submitted prior to commencement as well as a landscaping scheme (as recommended by the Tree Officer). A condition will also be imposed to restrict Permitted Development Rights.

Residential Amenity

Paragraph 191 of the NPPF advises of the need for "planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development". When considering new development proposals, policy EQ2 of the SSLP emphasizes the importance of protecting the residential amenities of neighbouring properties.

The proposed dwellings would be set within the existing 'overflow car park' associated with the previous use as offices and as such, the dwellings would be set in fairly close

proximity to numbers 25 and 26 Churchfields and the dwelling known as Pococks Ground. The agent has submitted a site section plan showing the distance from the rear elevations of the dwellings proposed to the rear elevations of the nearest neighbouring properties. This plan has confirmed that there would be a distance of 18.6mts from the rear elevations of plots 3 and 4 to the rear elevation of Pococks Ground to the east and a distance of 14.7mts from the rear elevation of plots 1 and 2 to the rear elevation of 25/26 Churchfields to the south.

It should be noted that the dwellings proposed within Plots 3 and 4 have been designed with all primary window openings at first floor level on the front elevation and only rooflights on the rear elevation to restrict the possibility of any overlooking into the neighbouring dwelling. Plots 1 and 2 however are proposed with a single traditional window openings at first floor on the rear elevations. Whilst the distance to the rear of the neighbouring dwellings to the rear at Churchfield is approximately 14.7 metres, it is noted that given the general orientation of the existing properties and the proposed relationship with the new dwellings as submitted within this application there would be no direct window-window overlooking. Whilst it is noted that there would be an element of overlooking into the rear garden of the existing dwellings, this is not considered to be demonstrable, and as such, not a reason to refuse the application. Similarly, given the scale and positioning of the dwellings proposed it is not considered that there would be an adverse overbearing, overshadowing to the neighbouring properties.

Ultimately, notwithstanding the concerns raised by neighbouring it is not considered that the proposal would have a demonstrable impact the amenity of neighbouring residents in accordance with Policy EQ2 of the Local Plan.

Highway Safety

Policy TA5 emphasises that new development must address its own transport impacts and secure inclusive, safe and convenient access by foot, cycle, public and private transport and ensure that any increased volumes of traffics and generated trips do not detrimentally impact the character and amenity of the surrounding area and locality or compromise the safety and function of the strategic road network. Policy TA6 specifies that parking provision within new developments should be design-led and exploit existing site characteristics, location and accessibility and conform to the Somerset County Parking Standards.

The application site is located in a sustainable location with continuous pavements and street lighting linking the site to the town centre a short walk from site.

It is noted that the proposed development of the 4 dwellings would take place within

the previous overflow carpark that served the previous use of the building. This area was also allocated to provide parking for the 15 converted flats within the main Churchfields building. The approved plan for the conversion showed the provision of 26 parking spaces within the site.

It should be noted that a new application has been created to the south of the main building to provide an area of parking for the converted flats, this area would provide 6 parking spaces and on site turning. The new access is located at the eastern end of the cul-de-sac of Churchfields adjoining the turning circle. The access would be set within close proximity to a layby set aside for off-street parking for Churchfields residents. Given that Churchfields is a residential street with no through traffic and therefore low levels of anticipated traffic movement throughout the day, it is not considered that the newly created access would adversely impact highways safety. Concerns had also been raised that the provision of the access within this location would prohibit neighbouring properties (24,25,26) from creating a vehicular access to their property in the future. This however is not a material planning consideration.

The proposed site plan shows the provision of 22 parking spaces throughout the site to serve the 15 converted flats and the proposed dwellings, comprising 2x3 bedroom and 2x2 bedroom dwellings. There has been a significant amount of objection received from local residents and the Parish Council on the basis that this would not be ample for the amount of residential development on site. It is noted that the amount of parking provided on site would be contrary to Somerset Council Optimum Parking Standards which states that at least 31 spaces would need to be provided on site. However, it should be noted that document states:

'The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision.'

Within this case, the application site is located within a sustainable area close to the centre of Wincanton, near to employment opportunities, schools, shops and other services. Similarly, the site has good access to a range of bus links to the nearby larger towns. It is also noted that there are a number of public carparks within Wincanton, including a fairly sizable carpark at Churchfields adjoining the site as well as on street parking opportunities on the High Street.

It is noted that the Highways Authority have been consulted on the application and have raised no objections to the development subject to the imposition of conditions

securing the provision of the parking spaces in perpetuity (including the provision of an electrical vehicle charger) along with details of surface water management and a construction management plan.

As such, it is not considered that the proposed development would have an adverse Highways impact and is therefore considered compliant with policies TA1, TA5 and TA6.

Flood Risk

The site is located within flood risk zone 1 and therefore is not at risk of flooding. A condition will be imposed securing disposal of surface water within the site so as to prevent its discharge onto the highway.

Trees

Concerns had been raised throughout the planning process regarding to the unauthorised removal of trees. As such, the Council Tree Officer had been consulted on the application. Following the submission of an Arboricultural Survey and amended site plans, the Tree Officer has raised no objections to the development subject to a series of conditions securing landscaping/replacement tree planting and the protection of the remaining trees on site. With the provision of such conditions, the proposal is considered to accord with Policy EQ5 of the Local Plan.

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.

Given the nature of the site an ecological assessment was requested by SES and has since been submitted as part of the application. Somerset Ecology have reviewed the submitted details and have raised no objection to the scheme. However, the ecologist has recommended a series of conditions and informatives to ensure mitigation and enhancement is provided within the development. With the imposition of such conditions, it is considered that the proposal is compliant with Policy EQ4 of the South Somerset Local Plan.

Somerset Levels and Moors - Phosphates

Local Plan policy EQ4 states that "development will not be allowed to proceed unless

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

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

Natural England has written to various Councils in Somerset (including SSDC) advising about the high levels of phosphates in the Somerset Levels and Moors that are causing the interest features of the Ramsar Site to be unfavourable, or at risk, from the effects of these high levels. This is as a result of a Court Judgement known as the Dutch N case, which has seen a greater scrutiny of plans or projects by Natural England, regarding increased nutrient loads that may have a significant effect on sites designated under the Habitats Regulations 2017 (including Ramsar Sites).

A significant area of South Somerset falls within the catchment. However, the application site lies outside this catchment area. Thus, the proposed development would have no adverse impact on the Somerset Levels and Moors.

Planning Balance

It is acknowledged that whilst the Conservation Officer has been involved in the scheme and had previously requested a series of amendments including changes to the proposed materials alongside alterations to the proposed parking layout (which have been adopted by the applicant/agent), he has still identified that there would be less than substantial harm to the Conservation Area as a result of the development.

Paragraph 208 of the NPPF states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'. Balanced against such harm are public benefits, which include:

- the proposal being of benefit in helping to address the five year shortfall of deliverable housing sites,

- the site being in a town centre, accessible to local services and facilities and well located in terms of accessibility by sustainable means, and
- the economic and social benefits that would accrue (construction jobs, residents supporting local businesses through expenditure, contributions to Council Tax, New Homes Bonus).

Paragraph 205 of the NPPF states *that great weight should be given to a designated heritage asset's conservation, and the more important the asset the greater the weight should be*. Consequently it is concluded that the public benefits significantly and demonstrably outweigh the harm caused to the setting of the character and appearance of the Conservation Area. As such the proposal is considered to be in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and does not conflict with the aims of Policy EQ3 of the Local Plan, Policy 2 of the Wincanton Neighbourhood Plan nor with the relevant guidance within the NPPF and NPPG.

Other Matters

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

Conclusion

The proposed development is considered to be acceptable in principle and will cause no demonstrable harm to residential amenity, visual amenity, highway safety, biodiversity or other environmental concerns. Similarly, it is considered that there would be sufficient public benefit to offset the concerns of the Conservation Officer. As such, the proposal is considered to accord with policies SD1, SS1, SS4, SS5, EQ2, EQ3, EQ4, EQ5, TA1, TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

RECOMMENDATION

Permission be granted subject to the following conditions:

01. The proposed development is considered to be acceptable in principle and will cause no demonstrable harm to residential amenity, visual amenity, highway safety, biodiversity or other environmental concerns. Similarly, it is considered that there would be sufficient public benefit to offset the concerns of the Conservation Officer. As such, the proposal is considered to accord with policies SD1, SS1, SS4, SS5, EQ2, EQ3, EQ4, EQ5, TA1, TA5 and TA6 of the

South Somerset Local Plan and the aims and objectives 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:

- 9650/200 Rev P Site Block and Location Plan
- 9650/201 Rev F Units 1 + 2 Floor Plans and Elevations
- 9650/202 Rev F Units 3 + 4 Floor Plans and Elevations
- 9650/203 Rev D Section A-A + B-B

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

03. No work shall be carried out in relation to any of the below elements until particulars of that element have been submitted to and approved in writing by the Local Planning Authority:
- a) materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b) the mortar mix and coursing of the external walls (best illustrated through the provision of a sample panel);
 - c) the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - d) all boundaries
 - e) the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any

Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1 Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- (c) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (d) Part 1, Class C (other roof alterations).

Reason: To enable the Local Planning Authority to exercise control over development in order to:

- (i) safeguard the character and appearance of the development itself and the locality in general which is in a Conservation Area, by ensuring there are no inappropriate extensions to the dwelling;
- (ii) safeguard on-site parking and circulation areas; and
- (iii) ensure there is no unacceptable surface water run-off.

In accordance with Policies EQ1, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. The Development hereby permitted shall not be occupied until the parking spaces for the dwellings, including an electric vehicle charging point for each new dwelling, and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: Reason: In the interests of highway safety, in accordance with policies TA1, TA5 and TA6 of the South Somerset Local Plan 2006-2028.

06. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity.

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted.

At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

Reason: To avoid flooding of the County highway in the interests of highway safety and public convenience.

07. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of residential amenity and highways safety in accordance with policies E22, EQ7 and TA5 of the Local Plan.

08. 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 (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. No lighting should be directed toward the adjacent house, where the Serotine roost is located. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux

levels. 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.

09. 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.

10. 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.

11. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the

Local Planning Authority prior to use of the development: The content of the BEP shall include the following:

- Habitat 001 bat boxes (or similar) will be incorporated into each dwelling, at least four metres above ground level and away from windows, on the south and/or west facing elevations.
- Installation of 2 x Vivara Pro Woodstone Bird Boxes (a combination of open front design and 32mm hole versions) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- Installation of 2 x clusters of 3 x Schwegler 1as swift bricks (or similar) built into the dwellings at least 60cm apart, at least 4m above ground level, ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations. Ideally, one cluster on units 1&2 and one cluster on units 3&4.
- A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
- All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

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

12. All planting and landscaping measures comprised in the approved planting and landscaping scheme (Doc Ref:23109- AA5- DC & Plan Ref: 23109- 5 dated 29th November 2023) must be carried out within the first available dormant planting season (November to February inclusively) upon or prior to the first occupation of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced by the landowner/s within the next planting season with trees and shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to Paragraph 197a of The Town & Country

Planning Act, 1990 (as amended)[1] and to secure a quality scheme of landscaping measures in order to preserve and enhance the character of a designated Conservation Area, thereby fulfilling the following objectives of the National Planning Policy Framework (Para 131) and The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ3: Historic Environment, EQ4:Bio-Diversity& EQ5: Green Infrastructure.

13. Prior to commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, the installation of hard surfacing, heavy machinery entering site or the on-site storage of materials, the pre-commencement requirements of the submitted scheme of tree protection measures (Ref: 23109-AA5-DC & Plan Ref: 23109-5 dated 29th November 2023) must be installed and made ready for inspection by a competent Arboriculturalist who must confirm in-writing to the Council that the approved tree and hedgerow protection measures (in particular, the specialist engineering measures for the hard-surfacing, fencing, signage and ground-protection installations) are installed to a satisfactory standard (to comply with this planning condition, you will need to instruct your appointed Arboriculturalist to contact us at planning@southsomerset.gov.uk - quoting Planning/DOCReference: 22/03341/FUL). The approved specialist engineering measures and tree protection requirements must be implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled in-accordance with the terms of the approved scheme (Ref: 23109-AA5-DC & Plan Ref: 23109-5 dated 29th November 2023).

Reason: To enhance and preserve the character of a designated Conservation Area and to preserve the health of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ3: Historic Environment, EQ4:Bio-Diversity& EQ5: Green Infrastructure.

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.
- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

02. Please be advised that approval of this application by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice. You are advised to visit our website for further details
<https://www.Somerset.gov.uk/cil> or email cil@southsomerset.gov.uk

**Report for Information
Planning Committee - South**



26 March 2024

Appeal Decisions (for information)

To inform members of the planning appeal decisions received for the Planning Committee - South area since the previous agenda was published (15 February 2024).

Application No: Not applicable
Address: Land at 64 Middle Path, Crewkerne TA18 8BG
Description: Enforcement notice - Without planning permission, the erection of a garden building in the form of a summer house (oriental style).
Application Decision by: Officer delegated.
Appeal Decision: Dismissed.

Application No: 21/03148/FUL
Address: Land Os 8900 (East of Quarry Hill), Blackford, Yeovil.
Description: Erection of one dwelling, extension to residential curtilage of Church Farm and Church Farm Cottage, woodland planting and ancillary works.
Application Decision by: Officer delegated.
Appeal Decision: Dismissed.

Application No: 21/03296/OUT
Address: Land South of Southmead, Perry Street, South Chard, Chard TA20 2PU
Description: Erection of up to 95 dwellings (35% affordable housing), with vehicular access from Roman Road, public open space, landscaping, sustainable drainage system, package treatment plant and associated works.
Application Decision by: Committee.
Appeal Decision: Allowed.

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

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Appeal Decision

Site visit made on 22 January 2024

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 19 February 2024

Appeal Ref: APP/R3325/C/22/3308600

Land at 64 Middle Path, Crewkerne, Somerset, TA18 8BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs H M Palmer against an enforcement notice issued by South Somerset District Council.
- The notice was issued on 24 August 2022.
- The breach of planning control as alleged in the notice is: "Without planning permission, the erection of a garden building in the form of a summer house (oriental style)."
- The requirements of the notice are to:
 - i. remove the unauthorised summer house from the land, and
 - ii. remove from the land all materials associated with the removal of the summer house at (i) above including but not limited to, removal of bricks, wood, roofing, and
 - iii. restore the land to its former condition before the summer house was erected.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d), (e) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the Notice is upheld with correction.

Procedural matters

1. The appeal is proceeding on grounds (a),(c),(d), (e) and (f). I shall start with ground (e) because if the appeal succeeds on that ground, the Notice will be quashed and the rest of the grounds will not require determination. If the appeal on ground (e) fails I will then turn to grounds (c) and (d), because if there has been no breach of planning control (ground (c)) or if the period available to the Council for taking enforcement action has expired (ground (d)), the Notice will be quashed and the remaining grounds will fall away. Should the appeal on those grounds fail I will then turn to the questions of whether planning permission should be granted for the existing development (ground (a)) or, failing that, an altered form of that development (ground (f)).

The appeal on ground (e)

2. The ground of appeal is that copies of the Notice were not served as required by s.172 of the 1990 Act. That section of the Act sets out the persons on whom a copy of the Notice should be served, and s.173 addresses the contents and effect of the Notice, which (per subsection 10) shall include "such additional matters as shall be prescribed". The Town and Country Planning (Enforcement Notices and Appeals)(England) Regulations 2002 prescribe a number of such additional matters, including (at Regulation 4(c)) "the precise boundaries of the land to which the Notice relates, whether by reference to a Plan or otherwise."

3. The Appellant rightly notes that the plan attached to the Notice did not correctly identify the boundaries of the land, or include incidental buildings within the curtilage of the dwelling. However, if a Notice is not so defective on its face that it is without legal effect, I have a duty to put it in order: s.176(1)(a) of the Act makes provision (in the context of an appeal against an Enforcement Notice) for the correction of any defect, error or misdescription it contains, provided the correction will not cause injustice to the Appellant or the local planning authority.
4. In this case, the land to which the allegation relates has been correctly identified at paragraph 2 of the Notice by reference to its postal address. The land is said to be edged red on the attached plan, and while that red edging is drawn incorrectly in relation to parts of the boundary and incidental buildings, it properly includes the dwelling at No. 64 and the summer house here at issue. The written submissions of the Appellant, the Council and the neighbouring resident show that none of the parties were in any doubt as to the extent and location of the allegedly unauthorised development, or the steps required by the Council to remedy the breach of planning control.
5. I shall therefore correct the misdescription in the Plan by replacing it with another which more accurately delineates the boundaries of No. 64. This will not cause injustice to the Appellant or the local planning authority. Subject to this correction, the appeal on ground (e) fails.

The appeal on ground (c)

6. The ground of appeal is that the matters alleged by the Notice do not constitute a breach of planning control. The Appellant's case, as I understand it, is that since the Council considered it would not be expedient to take enforcement action against the construction of a conservatory and raised patio at the neighbouring property of Bridge End, it ought to have taken the same approach to the development at her property.
7. It is important to be clear that enforcement action is discretionary, and there is no statutory requirement that breaches must be enforced against consistently. S.172(1) of the 1990 Act has two limbs: it provides that a Council may issue an Enforcement Notice where "it appears to them (a) that there has been a breach of planning control; and (b) that it is expedient to issue the Notice".
8. S.174 makes provision for appeals against the issue of a Notice, including (at ground (c)) the opportunity to contest the allegation that there has been a breach of planning control. But ground (c) does not extend to considerations of expediency. Caselaw has established that any challenge as to whether it was expedient for the Council to issue the Notice must be pursued by way of judicial review; Inspectors have no jurisdiction to determine whether the Council complied with s.172. Similarly, I do not have the jurisdiction (or the necessary evidence) to determine whether or not development which has taken place at a neighbouring property was in breach of planning control. My remit is limited to the development alleged by the Notice that has been issued.
9. Looking then at the development on the Appeal Site, "Permitted Development Rights"¹ allow householders to construct sheds, summer houses and certain other structures within the curtilage of their dwelling, without the need to apply

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO")

for planning permission. However, some provisions attach to these Permitted Development Rights. One of these is that a building within 2 metres of the boundary of the curtilage must not exceed 2.5 metres in height.² The summer house has been constructed within 2 metres of the boundary, and is just under 4 metres in height. It does not, therefore, qualify as Permitted Development.

10. Since the summer house did not constitute Permitted Development, an express grant of planning permission was required for its construction. An application for an express grant of planning permission was made in 2019 but was refused by the Council,³ and that refusal was subsequently upheld at appeal.⁴ The summer house does not have planning permission, and so is in breach of planning control. The appeal on ground (c) must therefore fail.

The appeal on ground (d)

11. The ground of appeal is that by the date when the Notice was issued, the time available to the Council for taking enforcement action had expired. S.171B(1) of the 1990 Act provides that where a breach of planning control consists of carrying out building works without planning permission, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. The Appellant's case is that the summer house has existed for over four years, and so is immune from enforcement. To succeed on this ground, the Appellant would need to demonstrate that the summer house was substantially completed by 23 August 2018; that is, four years prior to the issue of the Notice on 24 August 2022.
12. I have been provided with a copy of the planning application submitted by the Appellant on 22 January 2019, for development described as "The construction of a garden building in the form of a oriental style summer house". At section 3 the application form asked whether the work had already started, and if so on what date. The Appellant answered that it had, on 11 August 2016. The form then asked whether the work had already been completed, and if so on what date: the Appellant ticked the box to indicate that no, the work had not been completed. I have also been provided with a copy of the 2019 Appeal Decision. The Inspector noted, at paragraph 2: "On my visit I observed that work on the summerhouse has commenced, with the structure partially constructed."
13. The Appellant contends that the structure was capable of serving as a summer house by October 2016, but I have not been provided with any evidence to demonstrate that the building had in fact been substantially completed prior to the submission of the planning application in January 2019. Rather, the observation of the Inspector in the 2019 Appeal Decision confirms the statement made in the planning application that the development was not, at that time, complete. I therefore conclude that on the balance of probabilities, the summer house was only partially constructed by 23 August 2018, so when the Notice was issued on 24 August 2022 the four-year period for taking enforcement action had not expired. The appeal on ground (d) therefore fails.

The appeal on ground (a)

14. The ground of appeal is that planning permission ought to be granted for the matters stated in the Notice. The main issues are the effect on the character

² Paragraph E.1.(e)(ii) of Class E, Part 1 of Schedule 2 to the GPDO

³ Ref 19/00352/HOU dated 12 April 2019

⁴ Ref APP/R3325/D/19/3231882 dated 16 September 2019 ("the 2019 Appeal").

- and appearance of the area, and the effect on living conditions at the neighbouring property known as Bridge End.
15. The Inspector who determined the 2019 Appeal assessed the summer house in the context of the surrounding neighbourhood, including the adjacent Conservation Area, and concluded that it would have an acceptable effect on the character and appearance of the area. I share that view, and am satisfied that the summer house complies with the requirements of national planning policies and the local Development Plan, insofar as they seek to achieve development of a design which respects local character.
 16. However, I also agree with the previous Inspector's conclusion that the summer house unacceptably compromises the outlook of residents making use of the patio at Bridge End. This patio is raised above the ground level of both properties, such that while the summer house is 3.97m high when measured from the garden of No. 64, its perceived height from the patio is lower, at around 3.15m. Nevertheless this is still a considerable height for a structure in such close proximity to the boundary, and gives rise to significant and unpleasant enclosing and overbearing effects on the adjoining patio.
 17. The previous Inspector observed that "Although it is indicated that Bridge End's patio is unauthorised, no substantive evidence has been supplied to support that conclusion." I have been provided with copies of extensive correspondence between the Appellant and the Council concerning the status of the patio and conservatory at Bridge End. The Council sets out what it describes as its "final position" and "final response" in its letter dated 18 June 2020. In summary, this was that while the conservatory qualifies as Permitted Development, the patio would have required planning permission when first built: but, having been there in excess of four years, is now immune from enforcement action. The Appellant disputes this, contending that the works were not completed until June 2021.
 18. As noted above it is not for me, in the context of this appeal, to determine whether or not Bridge End's patio is unauthorised development against which enforcement action could still be taken. In any event, even if action could still be taken, the most an Enforcement Notice could require would be the return of the land to its condition prior to the unauthorised development⁵, and I am not persuaded that this would be a consideration weighing in favour of granting permission for the summer house. For the reasons set out above I have found that with the land at its current level, the summer house is unacceptably overbearing. If the patio were removed and this part of the garden at Bridge End returned to its original level, the perceived height of the summerhouse would increase; it would appear more, rather than less, overbearing.
 19. I recognise, as did the Inspector who determined the 2019 appeal, that the construction of the raised platform and conservatory at Bridge End changed the relationship between that property and the Appeal Site. But a desire to restore previous levels of privacy, while understandable, does not justify the construction of an overbearing building alongside the shared boundary. The summer house conflicts with the objectives of Policy EQ2 of the South Somerset Local Plan 2006-2028, in that it has a significant adverse impact on residential amenity at the neighbouring residence. I have not found any other material considerations of sufficient weight to overcome this conflict with the

⁵ S.173(4) of the 1990 Act

adopted Development Plan. I therefore conclude that the appeal on ground (a) should fail, and planning permission should not be granted.

The appeal on ground (f)

20. The ground of appeal is that the steps required by the Notice exceed what is necessary to remedy any breach of planning control constituted by those matters, or to remedy any injury to amenity caused by that breach. The Appellant has suggested that as an alternative to removing the summer house, the height of its roof could be lowered to 3.65m, so that its perceived height from the patio at Bridge End would be around 2.85m.
21. This would be an improvement upon the existing situation, but since it is sited so close to the boundary a structure of this height would still appear unduly dominant and overbearing from the patio next door. I note the Appellant's point that the height of the fence that has been erected along the boundary wall is 2.85m above the ground level of her garden, such that the perceived height of the summer house from the patio would be comparable. However, the two forms of development are not equivalent: the fence consists largely of trellis work, so does not have the same overbearing impact as the bulk and mass of a building.
22. In my judgment, reducing the height of the summer house by 0.3m would not be sufficient to remedy the breach of planning control or the injury to the residential amenity of the neighbouring property. The building would still be simply too tall for its context. I conclude that in the absence of any lesser steps that would achieve the purposes of the Notice, the requirement to remove the summer house is not excessive. The appeal on ground (f) therefore fails.

Conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the Enforcement Notice, with correction, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

24. It is directed that the Enforcement Notice is corrected by:

the substitution of the plan annexed to this decision for the plan attached to the Enforcement Notice.

Subject to this correction, the appeal is dismissed, the Enforcement Notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Jessica Graham

INSPECTOR

Plan

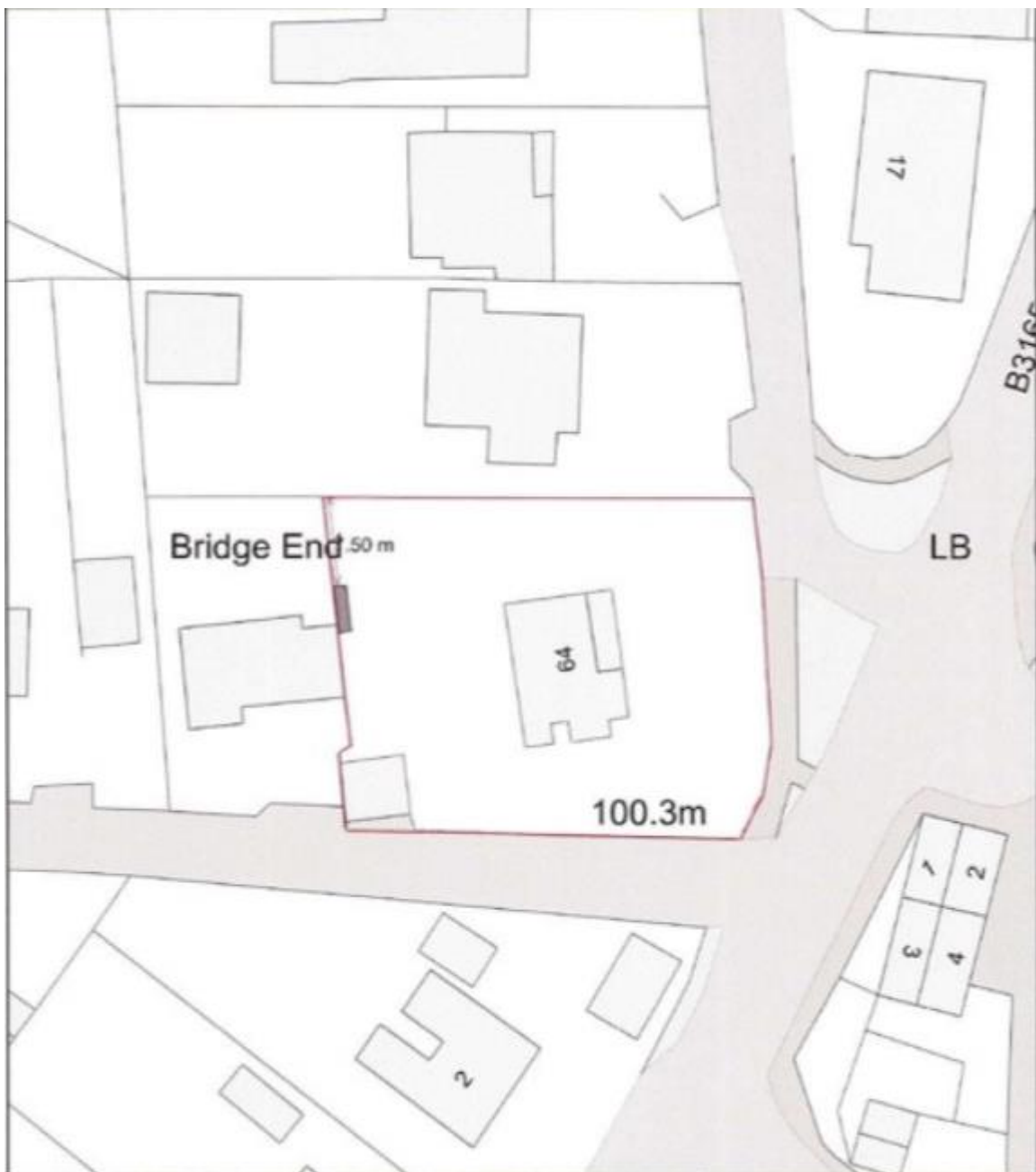
This is the plan referred to in my decision dated: 19 February 2024

by Jessica Graham BA (Hons) PgDipL

Land at: 64 Middle Path, Crewkerne, Somerset TA18 8BG

Reference: APP/R3325/C/22/3308600

Scale: Not to Scale





Appeal Decision

Site visit made on 19 February 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH March 2024

Appeal Ref: APP/E3335/W/23/3324772

Land east of Quarry Hill, Blackford, Maperton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hopkins Estates Ltd against the decision of Somerset Council.
 - The application Ref 21/03148/FUL, dated 18 October 2021, was refused by notice dated 9 May 2023.
 - The development proposed is erection of one dwelling, extension of residential curtilage of Church Farm and Church Farm Cottage, woodland planting and ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the Council's decision notice as it more accurately encompasses all elements of the proposal.
3. Despite not being a reason for refusal, I have addressed the effects of the proposal on the Somerset Levels and Moors Special Protection Area and Ramsar sites (the Protected Sites) as a main issue. A unilateral undertaking dated 7 November 2023 was submitted to address such effects, which I have taken into consideration.

Main Issues

4. The main issues in this appeal are:
 - whether the location of the proposal would accord with local policies which seek to locate new dwellings where occupiers can access local services and facilities whilst minimising reliance on private vehicles; and
 - the effects of the proposal on the Protected Sites.

Reasons

Location of development

5. The site lies to the east of Quarry Hill amongst a cluster of dwellings in the small village of Blackford. The site is outside of, but adjacent to Blackford Conservation Area (CA), and there is a nearby Grade II* listed building, *Church of St Michael* (The Church) (List Entry Number 1056557) visible from the site. The Church is the only local facility in the village.
6. The proposal seeks to construct a single dwelling and associated home office and garage on the site.

7. Under the South Somerset Local Plan (Local Plan) (adopted 2015), Policy SD1 echoes the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework). Policy SS1 sets out the settlement hierarchy for the plan area, with Yeovil identified as the strategically significant town and prime focus for development in the plan area.
8. After Yeovil there are two tiers of settlement where provision is to be made for housing, employment, shopping and other services to enhance their roles as service centres: 'Primary Market Towns' and 'Local Market Towns'. The fourth tier of settlement are the 'Rural Centres' of Bruton, Ilchester, Martock/Bower Hinton, Milborne Port, South Petherton and Stoke sub Hamdon. In these settlements, development will be permitted where it would meet local needs and provide services appropriate to the scale of the respective settlement. The settlement of Blackford does not fall within any named settlement identified within Policy SS1 and is therefore to be treated as being in the open countryside to which national countryside protection policies apply and subject to the exceptions identified in Policy SS2. The proposal does not fall within one of the exceptions identified in Policy SS2 as a proposal for either an employment or community facility or affordable dwelling.
9. Even though not included within the reasons for refusal, the Appellant's Statement highlights that Local Plan Policies SS2 and TA5 require that proposals for new housing development should have access to two or more services and be designed to maximise the potential for sustainable transport. Despite being older than the most recent version of the Framework, these Policies have been prepared in the context of the Framework which has maintained an expectation that patterns of growth should be actively managed to support the sustainable transport agenda, through limiting the need to travel and offering a genuine choice of transport modes. These Policies also reflect the Framework's desire to locate housing where it will enhance the vitality of rural communities and with recognition that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
10. The site is around 5km from Wincanton which is identified in Local Plan Policy SS1 as a Primary Market Town. It also lies around 1.3km from Compton Pouncefoot which is another unidentified rural settlement. A number of other facilities based in other unidentified rural settlements are highlighted by the Appellant, indicating that whilst the site is not particularly close to a 'Rural Centre', a range of basic everyday facilities (primary schools, a shop etc.) can be accessed within around 5 – 10 minutes' drive from the site.
11. I considered the prospect of the surrounding road network being used for journeys on foot or bicycle. The distances to anywhere of note on foot would be prohibitive and the road network generally too rural in nature to be conducive to such given the absence of footways and streetlighting. On the other hand, though I do not accept that simply providing cycle storage would equate to occupiers being incentivised or sufficiently capable of cycling regularly along undulating rural road routes, the use of bicycles (including electric bicycles) could replace a nominal amount of vehicle trips, largely other than those that would involve transporting children or purchasing heavy goods.
12. In terms of public transport, my attention has been drawn to around one weekly service that operates in the area which is extremely limited. The evidence does not suggest there are any public transport services that

specifically or conveniently link to the facilities in outlying villages highlighted by the Appellant. The nearest railway station is at Templecombe around 17 minutes' drive away which also indicates that the train network is not within easy reach either.

13. The scheme would provide a home office and in a location that offers connectivity to ultra-fast fibre broadband. These measures could help to offset any commuting journeys that might otherwise be made to and from an occupier's place of work. In addition, the Appellant raises the ability for occupiers to make use of home deliveries from supermarkets which undertake multi-drop trips to maximise journey efficiency. I accept that these options are available and, if used, could materially lessen the occupier's dependency on private vehicle trips from the home.
14. However, there are a multitude of reasons that people need to travel in order to lead fulfilling lives. With the relative absence of even basic facilities locally, the number of unavoidable journeys to meet the needs of a family would still be significant and only few journeys would be within the modest range highlighted by the Appellant. Electrifying the mode of transportation should not be a substitute for seeking to locate development more sustainably in the first instance and providing an electric vehicle charging point does not guarantee that the unavoidable journeys would be made by electric vehicle in any event.
15. Drawing these points together, the site is located in the countryside, would not have access to at least two facilities and could not realistically make use of any public transport facility. Thus, my view is that any future occupiers would be heavily reliant on the use of private vehicles and that the proposal therefore conflicts with, in particular, Policy SS1, SS2 and TA5 of the Local Plan.

Effects on the Protected Sites

16. The appeal site is within the catchment of the Protected Sites which are designated under the Conservation of Species and Habitats Regulations 2017, as amended (Habitats Regulations). The condition of the Protected Sites is deteriorating due to increased nutrient loads, in particular phosphates. The addition of overnight accommodation and new residents which increase the amount of foul water produced in the catchment area will be likely to increase the phosphorus loading and further unbalance the nutrient levels within the SPA. Significant effects from the development are therefore incapable of being ruled out and are considered likely.
17. The appeal application was submitted with a Shadow Habitat Regulations Assessment¹ which outlines that the proposed dwelling would be served by a specified package treatment plant (PTP) as no mains sewers connections are available. In addition, the proposal would change the land use of 0.357 hectares of agricultural land within the land owned by the Appellant edged in blue to woodland. In doing this, the development would offset the full amount of phosphorus of 0.2kg/annum (including 20% buffer). The scientific evidence therefore points to the development being able to secure nutrient neutrality through conditions and the submitted UU which requires the provision and maintenance of the woodland in perpetuity.

¹ Abricon, Ref 022HOPK100, dated February 2023

18. I have had regard to the Council's acceptance that this matter could be satisfactorily addressed and the requirements of the Habitats Regulations to undertake an Appropriate Assessment and robustly secure any proposed mitigation at the appropriate juncture. My view is, subject to adequate conditions and the submitted UU, the proposal could avoid harm to the integrity of the Protected Sites and achieve compliance with the Habitats Regulations.

Other Matters

Built Form and Heritage

19. In terms of the effects on the designated heritage assets and integration with the surrounding built form, I note that these aspects are not in dispute between the parties.
20. Given the proximity of the dwelling to an existing cluster of dwellings, it would appear as an extension of the village and at a scale that would be appropriate for the settlement size. I am less persuaded that it would fall to be considered an infill proposal given the separation that would remain between the appeal site and other dwelling, The Granary, which sits removed from the core of the village. Nonetheless, as presented, the scheme would not harm the character or appearance of the area in terms of its siting, form or design or detract from the Conservation Area's significance.
21. Nonetheless, the proposal would result in an element of domestic intrusion within the streetscene that would partially obscure views to the Church from Quarry Lane and add to its sense of enclosure by built form from within the churchyard. The scale, form, siting and design of the dwelling would help to minimise the effects such that the overall harm to its setting, and thus significance, would be towards the lower end of less than substantial when considered under the terms of the Framework.
22. The Framework requires that where a proposal would generate less than substantial harm to the significance of a designated heritage asset, it should be weighed against the public benefits of the proposal. In my view, the lower level of less than substantial harm would be sufficiently outweighed by the public benefit of the addition of a dwelling to the local housing stock.

Housing Land Supply

23. The evidence details that the Council is currently incapable of demonstrating an adequate supply of housing land to meet the minimum five year requirement set out in the Framework. The parties provided an indication that the current supply is between a range of around 2.85 – 3.10 years' worth, taken from a base date of 1 April 2023 and using an annual requirement of 709 dwellings.
24. In such circumstances, paragraph 11 d) of the Framework applies. Paragraph 11 d) directs that in such circumstances, permission should be granted unless, (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I return to this in the planning balance below.

Planning Balance and Conclusion

25. The proposal could secure adequate mitigation to avoid harm to the Protected Sites. Though the public benefits of the scheme would outweigh the harm to the significance of the designated heritage asset, the limited harm is still an aspect that weighs proportionately in the overall balance. However, the principal issue of where the site is located and the dependence of future occupiers on the private vehicle is the key reason that the scheme is in conflict with the development plan when taken as a whole.
26. In terms of the benefits of the proposal, a single dwelling would make a small but valuable contribution to addressing the identified shortfall, and thus, attracts modest weight in favour of the scheme commensurate with its scale. I note that the dwelling would be highly energy efficient consistent with other dwellings built by the Appellant company. It would produce modest additional economic and social support for businesses in the outlying rural communities through the future occupiers' reliance on such. It would also result in a modest economic contribution during the temporary construction phase.
27. Insofar as other harms would be avoided through either design or the imposition of planning conditions, these aspects are of neutral effect on the overall planning balance. The modest expansion of adjoining neighbours' gardens are also largely private benefits of the scheme.
28. However, even taking account of the reduced weight I attribute the spatial strategy of the development plan given the engagement of the tilted balance, the reliance by future occupiers on the private vehicle would still equate to significant and demonstrable harms that outweigh the totality of public benefits of the scheme. Accordingly, the tilted balance does not form a consideration of such materiality that it indicates that permission should be granted other than in accordance with the development plan and nor are there any other considerations that do so either individually or cumulatively.
29. For the foregoing reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

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Appeal Decision

Hearing held on 8 February 2024

Site visit made on 8 February 2024

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/E3335/W/23/3329095

**Land South of Southmead, Perry Street, Tatworth and Forton, Chard
TA20 2PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (Act) against a refusal to grant outline planning permission.
 - The appeal is made by Mr A P Mear, Mrs N C Mear and Crossman Acquisitions Ltd against the decision of Somerset Council.
 - The application Ref 21/03296/OUT, dated 29 October 2021, was refused by notice dated 6 July 2023.
 - The development proposed is erection of up to 95 dwellings (35% affordable housing), with vehicular access from Roman Road, public open space, landscaping, sustainable drainage system, package treatment plant and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of up to 95 dwellings (35% affordable housing), with vehicular access from Roman Road, public open space, landscaping, sustainable drainage system, package treatment plant and associated works at Land South of Southmead, Perry Street, Tatworth And Forton, Chard TA20 2PU in accordance with the terms of the application, Ref 21/03296/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description of development from the decision notice rather than from the application form. This is because the number of proposed dwellings was amended during the application process. I have also omitted wording that do not constitute an act of development.
3. The National Planning Policy Framework (Framework) was revised in December 2023. The changes and any implications for the appeal were discussed during the hearing. I have taken into account the revised Framework in my consideration of the appeal.
4. The application was submitted in outline with all matters reserved apart from access. I have therefore considered the drawings that do not relate to access on an indicative but informative basis. The Parameter Plan is sought for approval and I have considered it in my assessment of the scheme.
5. In November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became National Landscapes (NL). I will therefore refer to former AONBs as NLs in the assessment below.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal would provide adequate social and community infrastructure; and
- the effect of the proposal on Somerset Levels and Moors Ramsar site and River Axe Special Area of Conversation (SAC).

Reasons

Character and appearance

7. The site consists of agricultural grassland and lies to the southeast of Roman Road and Perry Street (B3167). To the northwest of the road lies Tatworth which is classified as a rural settlement in the South Somerset Local Plan (2006 – 2028) Adopted March 2015 (LP).
8. To the south and southeast of the site lie open fields and the River Axe valley beyond. The surrounding area to the south and east of the site therefore has an open rural character. The site lies within Visual Character Region 2: Blackdown Hills Plateau Foothills and Valleys and within the Landscape Character Zone: Rolling Ridgeland and Southern Open Escarpments (LCZ) as set out in the Landscape of South Somerset (1993) (LSS).
9. Part of the northern extents of the LCZ lies within the Blackdown Hills NL. However, the site and the southern part of the LCZ is not designated. While not designated as a NL, as stated in the Landscape and Visual Impact Assessment (LVIA), it is a very attractive landscape which is in good condition and is judged to be of 'high' value and the site is in keeping with this characterisation.
10. The LVIA identifies a number of Local Landscape Character Areas (LLCA). The site lies within LLCA 2: Agricultural Land to the South of Tatworth and covers the area along the northwestern slopes of the Axe Valley. The site is in keeping with the characteristics of this LLCA which generally comprise small fields defined by mature native hedgerows.
11. To the north of the site lies LLCA 1: Southern edge of Tatworth which largely comprises the settlement of Tatworth. The southern edge of this LLCA is defined by the B3167. As the site consists of undeveloped fields and is separated from Tatworth by the B3167, it has a closer relationship with the open countryside than with the settlement.
12. Chilson Common is a no-through road that lies to the south of the site and leads to the hamlet of Chilson Common. The dwellings of Sunnysdale and Rose Cottage lie in close proximity to the site, whereas other dwellings in the hamlet lie some distance away.
13. Given the open, undeveloped nature of the site, it provides a clear separation of the hamlet from Tatworth. As the properties of Chilson Common are of a range of ages and types, as well as orientation and spacing, the hamlet has an organic, rural character.

14. In terms of the proposal, although matters such as layout, scale and appearance would be subject to future consideration of reserved matters applications, the proposal for 95 dwellings would nonetheless introduce a considerable number of dwellings, driveways, gardens and domestic paraphernalia to the site. This would urbanise the site and alter the open rural character of the site and surrounding area to the south and east.
15. It would extend the settlement of Tatworth in a southeasterly direction towards the River Axe Valley and Chilson Common. The urbanisation of the site would be seen particularly in views from the south along Roman Road and Perry Street. It would also be seen from Chilson Common. As the area to the southeast of the B3167 is largely undeveloped, the proposal would appear as a discordant intrusion into the open countryside. It would significantly diminish the open rural character of the landscape when viewed in close-range distances from the south and west.
16. The LVIA assessed long range views from the southeast from across the valley within the Dorset NL by taking Viewpoint 12 as a representative viewpoint. The LVIA considered that the proposal would result in a small increase in the proportion of built form that would be unlikely to draw the attention of the viewer any more than the existing village. However, as I observed during my time spent in the area, although the proposal would be seen against the backdrop of Tatworth, the extension of the settlement down the valley and the resulting intrusion into the open countryside would be seen in some long range views, particularly from Headstock Road.
17. As the proposal would appear as an extension of built development outside Dorset NL, it would not harm its setting. However, as the scheme would adversely affect the open rural character of the area along the side of the valley to the southeast of the B3167, it would nonetheless result in moderate harm to the open rural character of the area.
18. Consequently, the proposal would harm the character and appearance of the area. Therefore, it would conflict with LP Policies EQ2 and SS2 which together seek development that preserves or enhances the character and appearance of the district and is commensurate with the scale and character of the settlement.
19. As the harm to the character of the area in long-range views would be limited, and views to the site from the north and west would be limited by built development and topography, the overall harm to the character and appearance of the area would be moderate.

Social and community infrastructure

20. The Appellant has completed a legal agreement with Somerset Council under s106 of the Act. It includes provisions relating to off-site contributions towards costs incurred in connection with the provision and/or improvement of changing rooms to serve the development. It also includes a provision for off-site contribution towards the costs incurred in connection to the provision and / or improvement of playing pitches to serve the development.
21. The evidence from the Council details that the contributions are qualitative rather than quantitative. As discussed during the hearing, the cost of qualitative measures towards improvements of playing pitches and changing

rooms were based on the formula used for new facilities and the estimated floor area per person generated by the development. There is little substantial evidence before me of an assessment of the quality of the existing playing pitches and changing rooms or the cost of proposed improvements.

22. I note the s106 and the Council's Delivery Strategy do not exclude the provision of development of additional pitches and development at Forton Recreation Ground. However, as the wider evidence indicates that the contribution would be used for improvements rather than new facilities, and there is no substantial evidence to indicate how money towards existing facilities would be spent, this contribution is not justified and would not meet the tests set out in the Framework and in Regulation 122 of the Community Infrastructure Levy (2010).
23. The s106 also includes a contribution towards costs incurred in connection with early years school places. The evidence indicates that the proposal would give rise to a need for 8 full time early years places. I also note the evidence indicating that the Tatworth area has capacity for early years places. However, the wider evidence indicates that when taking into account part-time places, the timing of enrolment, and children on waiting lists, the pre-school will soon be at full capacity. Therefore, the contribution towards early years education is justified.
24. I am satisfied that the obligation regarding early years school places meets the three tests set out in Paragraph 57 of the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (2010). As a result, I have taken the S106 into account.
25. Consequently, the proposal would provide adequate social and community infrastructure with respect to early years school places. Therefore, the proposal would not conflict with LP Policies SS6 and HW1 in this particular respect which seek, among other things, contributions towards sports and community facilities.
26. LP Policies HG3 and EQ4 relate to affordable housing and biodiversity and are not relevant to this main issue.

Somerset Levels and Moors Ramsar site and River Axe Special Area of Conservation (SAC)

27. The site lies within the fluvial catchment of the River Axe SAC and Somerset Levels and Moors Ramsar site. The conservation objectives of the River Axe SAC include maintaining or restoring the extent and distribution of qualifying natural habitats and habitats of qualifying species. Species included in the reason for designation include sea lamprey, brook lamprey and bullhead.
28. As stated by Natural England (NE), the designated sites are considered to be in unfavourable condition or at risk due to high levels of phosphorus. The phosphate load from the proposed development could cause a likely significant effect on the conservation objectives of the River Axe SAC and Ramsar site both alone and in combination with other developments. Therefore, an Appropriate Assessment is necessary.

Appropriate Assessment

29. As confirmed by NE, as per the 'Nutrient Neutrality Assessment & Mitigation Strategy' (RMA Environmental, August 2022) the River Axe catchment calculator from the most recent Natural England methodology has been used to calculate the phosphorus budget for the proposed development.
30. The proposed mitigation includes the wastewater from the proposed dwellings to be treated using a Package Treatment Plant (PTP) with a chemical dosing unit, that will be adopted, managed and maintained by a body regulated by Ofwat.
31. The submitted s106 requires, among other things, that PTP arrangements including measures to secure Phosphate Effluent Concentration, and land use areas have been agreed with the Council and the PTP installed prior to the occupation of any of the proposed dwellings.
32. The proposal also includes upgrading septic tanks to more efficient PTPs in 3 existing off-site properties in order to off-set the remaining phosphorous budget. Unilateral Undertakings have been provided which require the owners of those properties to install prior to occupation and maintain PTPs at their properties.
33. The obligations would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the CIL Regulations. As such, the obligations would secure the mitigation measures such that the proposal would not have a likely significant effect on the River Axe SAC, Somerset Levels and Moors Ramsar site and underpinning SSSIs.
34. Consequently, the proposal would not harm Somerset Levels and Moors Ramsar site and River Axe SAC. Therefore, it would not conflict with LP Policy EQ4 which resists development that would result in any adverse impact on the integrity of national and international wildlife and landscape designations.

Other Matters

35. I note local concerns regarding traffic. However, the Highway Authority has not objected to the scheme. In addition, the Transport Assessment submitted by the Appellant concluded that the number of additional vehicle trips predicted to be generated by the development will have a negligible impact on the operation of the local highway network. Therefore, although I note local evidence of traffic congestion and accidents in the area and recognise that vehicular trips along School Lane may increase, I have no reason to conclude that the proposal would have an unacceptable impact on highway safety or severe cumulative impact on the local highway network.
36. The site lies in Flood Zone 1 and the Lead Local Flood Authority has not objected to the proposal subject to conditions. The scheme would result in an increase in impermeable areas on the site. However, the Flood Risk Assessment sets out that a SuDS drainage scheme is proposed to manage excess runoff from the development, comprising a detention basin designed to maintain runoff at pre-development rates, with an outfall to the bounding watercourse. Accordingly, the proposal would not increase flood risk elsewhere and this issue has not altered my overall decision.

37. I acknowledge concerns regarding the effect of the proposal on the water supply to nearby business SwissTulle Ltd which is via a well that is sited in a field adjacent to the site. There is no evidence before me to demonstrate that the proposal would result in contamination or other adverse effect on the water supply. Therefore, I see no reason why this matter could not be dealt with by condition. As such, this matter has not altered my overall decision.
38. About one third of the site lies on Grade 2 (very good) agricultural land, while the remainder of the land is classed as Grade 3 (good to moderate). Given the modest size of the site as well as it not being the best and most versatile agricultural land, the loss of this agricultural land would not conflict development plan policy or the Framework.

Planning Balance

39. As confirmed during the hearing, the Council are able to demonstrate a housing supply of between 2.98 years and 3.1 years. This amounts to around 1,363 dwellings over five years and represents a significant shortfall. Accordingly, the provisions of paragraph 11dii of the Framework are triggered.
40. The proposal would result in conflict with LP Policies EQ2 and SS2. It would therefore conflict with the development plan as a whole. As the harm to the character and appearance of the area would be moderate, I attribute moderate weight to the conflict with these policies.
41. Balanced against this harm, the proposal would contribute up to 95 dwellings to the local housing supply. Given the housing shortfall, I attribute significant weight to this benefit.
42. 35% of the proposed dwellings would be affordable housing in accordance with LP Policy HG3. The evidence indicates a significant need for affordable housing. I therefore attach significant weight to the provision of affordable homes.
43. There would be temporary economic benefits during the construction phase and future occupiers would contribute to local services. Given the number of dwellings proposed, I attribute moderate weight to these benefits.
44. There would be ecological benefits through biodiversity net gain to which I attach moderate weight. As the proposal would offset a slightly greater nutrient load than required, I attribute limited weight to this benefit. As the local community would have access to open space and orchard on the site, I attribute limited weight to this associated social benefit.
45. Given the above, the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits. This is a material consideration which warrants a decision other than in accordance with the development plan.

Conditions

46. The condition relating to submission of reserved matters allows for the self-build aspects of the scheme to be submitted within a longer timeframe than the other aspects of the proposal. As the marketing of the self-build plots would need to be conducted after the marketing of other parts of the proposal, this condition is justified and necessary. The plans condition is necessary in the interests of certainty.

47. The conditions regarding phasing, vehicular access and pedestrian crossing are necessary in the interests of highway safety. As the pedestrian crossing would lie on land controlled by the highway authority, there is a reasonable prospect of it being implemented.
48. To safeguard the character and appearance of the area, a condition regarding tree and hedgerow protection measures is necessary. The condition relating to construction environmental management plan for biodiversity is necessary in the interests of ecology.
49. The conditions regarding water consumption, energy strategy, sustainable construction statement and renewable energy compliance statement are necessary for sustainability and the conditions relating to sustainable surface water drainage and foul water drainage are needed to safeguard against flooding.
50. Conditions regarding a Construction Environmental Management Plan and contamination are necessary in the interests of the living conditions of neighbouring and future occupiers.
51. Given the potential for archaeological significance identified in the evidence, the condition relating to archaeology is necessary. Since a public sewer runs through the site, the relevant condition is necessary.
52. The suggested condition restricting the number of dwellings is not necessary as the number of dwellings is stated in the description of development. The conditions relating to landscaping, lighting, estate roads are not necessary as landscape and layout are reserved matters.

Planning Obligations

53. In addition to the provisions discussed above, the s106 includes provisions relating to affordable housing, self-build homes, education contribution, NHS contribution, youth facilities, travel plan and open space.
54. I am satisfied that in each case except for changing rooms and playing pitches, the obligations meet the three tests set out in Paragraph 57 of the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (2010). As a result, I have taken the s106 into account.

Conclusion

55. For the reasons given above the appeal should be allowed.

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INSPECTOR

Schedule of Conditions

- 1) Details of layout, scale, appearance and landscaping (the 'reserved matters') shall be submitted to, and approved in writing by the local planning authority before any development hereby permitted takes place, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission with the exception of the reserved matters for the self-build plots hereby permitted, which shall be made to the local planning authority not later than the expiration of 5 years from the date of this permission.
- 2) Commencement of development of the self-build plots must begin not later than the expiration of 2 years from the last of the self-build reserved matters to be approved. Commencement of development of the remainder of the development must begin not later than the expiration of 2 years from the approval of those reserved matters (or, in the case of approval on different dates, the date of approval of the last of those reserved matters to be approved).
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan (ref: 2664, L01, Rev.B),
Scale Parameters Plan (ref: 2664 P.02 Rev.B),
Proposed Perry Street Site Access Arrangement (ref: 7247/SK/203, Rev.D).
- 4) No development shall commence until a programme showing the phasing of the development has been submitted to and approved in writing by the local planning authority and the development shall not proceed other than in accordance with the approved programme.
- 5) No development or site preparation works shall commence of each phase of development until a scheme of tree and hedgerow protection measures has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the recommendations of the Preliminary Arboricultural Impact Assessment dated 26/10/21, the Tree Retention and Approval Plan ref: 12920/P02 and Ecological Assessment dated October 2021. No development shall thereafter commence until the tree protection measures have been installed in accordance with the approved details. . The approved tree protection measures shall remain in place in their entirety for the duration of the construction period.
- 6) No development shall commence of each phase of development until a construction environmental management plan (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones, dormice precautionary working method statement, precautions for reptiles, etc.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the local planning authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 7) No development shall commence of each phase of development until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- a. Details of the working methods to be employed on site during the construction (and preparation associated with construction) of the site,
 - b. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted,
 - c. Construction vehicle movements,
 - d. Delivery and construction operation hours and expected number of construction vehicles per day,
 - e. Construction vehicular routes to and from site,
 - f. Car parking for contractors,
 - g. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice,
 - h. Storage of plant and materials used in constructing the development,
 - i. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities,
 - j. Prevention of nuisance caused by radios, alarms, PA systems or raised voices And shall confirm:
That noise generating activities shall not occur outside of the following hours:
 - Monday to Friday 8am to 6pm

- Saturday 8am to 1pm

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved CEMP details.

- 8) No development shall commence except archaeological investigation work, until a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be undertaken in accordance with the approved WSI.
- 9) No development shall commence until a detailed scheme for the provision of a new pedestrian crossing on Perry Street to the north of the junction with School Lane, a new footpath between the vehicular access and the proposed new pedestrian crossing and relocation of the existing bus shelter on the eastern side of Perry Street to the rear (eastern) edge of the proposed new footpath in accordance with approved drawing no. 7247/SK/203 Rev D has been submitted to and agreed in writing by the Local Planning Officer. No occupation of any dwellings shall thereafter commence until the approved works have been completed.
- 10) No development shall commence until a foul water drainage strategy, including details of the proposed package treatment plant to serve the development hereby approved, has been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be first occupied until the foul water drainage strategy has been implemented in accordance with the approved details.
- 11) With or before the submission of Reserved Matters, an Energy Strategy for each phase of development shall be submitted to and approved in writing by the local planning authority. The Energy Strategy will provide details of the sustainability measures incorporated in the design of the development to achieve the predicted energy and CO2 savings set out in the approved Energy Statement dated 29 October 2021. The proposed development will be carried out in accordance with the approved Energy Strategy prior to the first occupation of the permitted dwellings.
- 12) With or before the submission of Reserved Matters, details of the sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.
- 13) The reserved matters application(s) relating to layout and/or appearance shall include a Sustainable Construction Statement detailing the sustainable construction methods to be used in the development. This

shall demonstrate that at the date of the permission the development can achieve an overall reduction in carbon emissions of at least 19% as compared to the Building Regulations Part L baseline; at least 10% of the overall reduction shall be by means of on-site renewable energy generation and the remaining 5% by other means (for example energy efficient construction). The development shall thereafter be carried out in accordance with the approved methods.

- 14) 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.
- 15) No individual dwelling hereby approved shall be occupied until a Renewable Energy Compliance Statement for that dwelling has been submitted and approved in writing by the local planning authority. The statement shall confirm that the development has been constructed in accordance with the Sustainable Construction Statement secured by condition above. The Renewable Energy Compliance Statement shall include details of renewables; calculations demonstrating compliance; Building Regulations Part L post-completion documents for renewables; Building Regulations Part L postcompletion document for energy efficiency; and Microgeneration Certification Scheme (MCS) Certificate/s.
- 16) No individual dwelling hereby approved shall be occupied until the vehicular access has been constructed in accordance with drawing no '7247/SK/203, Rev.D' and any pedestrian or cycle connectivity between the site and its surroundings (in accordance with details previously submitted to, and approved in writing by the local planning authority), have been constructed as approved and made available for use. There shall be no obstruction to visibility greater than 600mm above ground level within the area of the approved visibility splays shown on plan '7247/SK/203, Rev.D'. Once constructed and made available for use, the approved vehicular, pedestrian and cycle access accesses shall be retained as such only for their intended use, and visibility splays shall be retained as implemented.
- 17) The proposed roads, including service roads, footpaths, parking and turning spaces, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling club and the existing highway.
- 18) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

- 19) No development hereby approved shall be located within 3m of either side of the public sewer that crosses the site.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Matthew Halstead	Director, Crossman Acquisitions Ltd
Peter Richards	Landscape Architect and Urban Designer

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Tadman	Planning Consultant (South Area Planning Team)
Charlotte Fry	Strategic Planner
Frances Gully	Planner (Education Contributions)

INTERESTED PARTIES:

Robert Bannister	Local resident
Fletcher Robinson	CPRE
Steve Christopher	Local resident
Amanda Christopher	Local resident
Nigel Clist	Local resident
Sarah Clist	Local resident
Margaret Mercer	Local resident
Lindsey Bristow	General Manager Swiss Tulle
Cllr David Peake	Tatworth and Forton Parish Council and local resident
Christine Heale	Tatworth and Forton Parish Council
Cllr Peter Seib	Chair of development management planning committee
Daniel Mumby	Somerset Live

DOCUMENTS

s106 legal agreement
3 Unilateral undertakings
Suggested condition wording
Map of watercourses

PHOTOGRAPHS

7 photographs from Robert Bannister

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