

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - SOUTH

Monday, 22 April 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 Friday, 19 April 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 Thursday, 11 April 2024.

AGENDA

Planning Committee - South - 2.00 pm Monday, 22 April 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

To approve the minutes from the previous meeting. The minutes document will be published separately and as a supplement to this agenda.

3 Declarations of Interest

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

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

4 Public Question Time

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

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Tuesday, 16 April 2024.

5 Planning Application 23/03015/S73 - Land OS 5439 Part Townsend Green, Henstridge BA8 0RG (Pages 17 - 62)

To consider an S73 application to vary the requirements of Condition 10 of Approval 17/03029/OUT (Inspectorate ref: APP/R3325/W/18/3197690) for the Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way, so that (save for works in respect of clearance, laying out and digging works as shown on plan ref 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C) no development should take place until a scheme for pedestrian improvements (in accordance with points i to iii) or an alternative scheme has been submitted to and approved in writing by the local planning authority. (The remainder of the condition will remain as previously worded and the section 73 will relate to the Outline application (17/03029/OUT Inspectorate ref: APP/R3325/W/18/3197690) and subsequently approved Reserved Matters Ref: 21/03369/REM in its entirety).

6 Appeal Decisions (for information) (Pages 63 - 88)

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 be 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 – 22 April 2024

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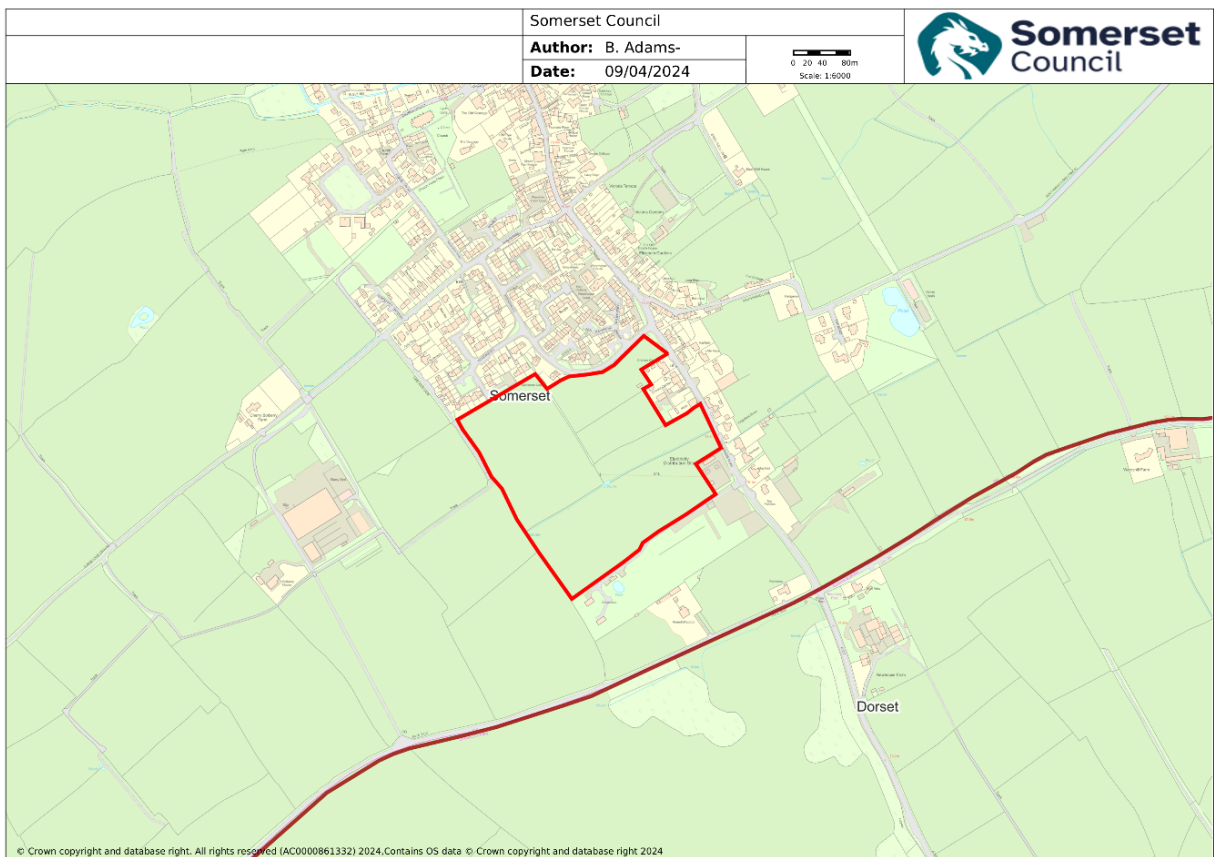
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Officer Report On Planning Application: 23/03015/S73

Proposal:	S73 application to vary the requirements of Condition 10 of Approval 17/03029/OUT (Inspectorate ref: APP/R3325/W/18/3197690) for the Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way, so that (save for works in respect of clearance, laying out and digging works as shown on plan ref 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C) no development should take place until a scheme for pedestrian improvements (in accordance with points i to iii) or an alternative scheme has been submitted to and approved in writing by the local planning authority. (The remainder of the condition will remain as previously worded and the section 73 will relate to the Outline application (17/03029/OUT Inspectorate ref: APP/R3325/W/18/3197690) and subsequently approved Reserved Matters Ref: 21/03369/REM in its entirety).
Site Address:	Land Os 5439 Part Townsend Green, Henstridge, Templecombe, Somerset, BA8 0RG
Parish:	Henstridge
BLACKMOOR VALE Division	Cllr Nicola Clark Cllr Sarah Dyke
Recommending Case Officer:	Catherine Pearce (Specialist)
Target date:	28th February 2024
Applicant:	Daniel Barwick
Agent: (no agent if blank)	Mr Michael Rees, 22 Cathedral Road, Cardiff CF119LJ
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Committee as it relates to amendments to a major planning application, and objections have been received from the Parish Council, which are contrary to the officers recommendation.



BACKGROUND

Members will recall that on 24th October 2023, a previous section 73 application (22/02240/S73) to vary the requirements of condition 10 iii) was considered at the Area South Planning Committee and was refused. This is covered in the planning history below.

This current application seeks to amend the requirements of condition 10 point (iii) (in relation to the provision of off-site highway works for pedestrian improvements to the High Street) which was included on the appeal decision notice by the Planning Inspector when allowing the appeal for outline planning permission for up to 130 dwellings (with public open space, landscaping sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way on 18th November 2018, under application 17/03029/OUT.

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

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

During the determination of the application and consideration of the appeal at a Public Inquiry, highway safety as a result of the proposed development was cited as one of the three main issues which was addressed at some length by the Inspector. He identified that the scheme for off-site pedestrian improvement works submitted by the appellants "*would include provision of a footway of 1.8m width along High Street to the north of its junction with Marsh Lane. As this would narrow the carriageway to a single lane the scheme includes new traffic signals to ensure one-way traffic through that section of the road. This scheme would provide for continuous pedestrian access through the village*". However, he did not assess the

proposed scheme for its compliance with technical requirements. He later identified (in paragraph 24) that *"the works are necessary in the interest of ensuring public safety and enabling sustainable travel to support local facilities. Policy TA5 of the Local Plan requires new development to address its own transport implications and to maximise the potential for sustainable transport. The pedestrian improvement works would be necessary to ensure that the proposals accords with that policy."* and this point was reiterated when outlining the conditions to be attached to the outline consent, with the Inspector stating that *"I have found that the pedestrian improvement works shown on the plans would be necessary on the interest of highway safety and accessibility and have imposed a condition accordingly"*.

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

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

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

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

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

A subsequent Reserved Matters application (21/03369/REM) for the approval of appearance, landscaping, layout and scale, following outline approval was Approved with conditions on 19th May 2022 by the former East Area Committee of South Somerset District Council.

As outlined in the committee report for the consideration of the previous application, since the approval of the reserved matters approval in May 2022, following the initial technical reviews and safety audits of the originally proposed pedestrian footway through the High Street, it has become apparent that the scheme including the provision of traffic lights on the junction of the A357 and Furge Lane, to create a single width carriageway to facilitate the construction of a raised pavement along the High Street would be unfeasible for a number of technical and practical reasons such as (but not limited to) the various ground levels preventing the construction of a correctly specified footway, and the layout of the A357/Furge Lane junction preventing the safe installation of traffic lights. This includes potential risks to the public within a Highways Safety Advice Report undertaken by the Highways Authority identified 8 Health & Safety risks to the public from the proposed scheme.

However, the applicants remain committed to finding a workable solution to pedestrian safety along the High Street and rather than seek to remove condition 10 iii), and they have continued to look at variety of different alternatives that would still provide improved pedestrian safety which can be provided within the constraints of the existing High Street and surrounding roads, rather than delete the condition in its entirety. This has included continued discussions with the Highways Authority, including several audits of schemes to establish what would be technically possible to achieve before submitting drawings as formal applications to the Local Planning Authority.

At this stage, the applicants have very limited time left to be able to find an alternative workable solution in order to discharge condition 10, and therefore the current application was originally submitted to change the point in time in which details need to be approved in writing from the Local Planning Authority from 'prior to any development commencing on site', to no development 'above damp proof course' taking place before the details of condition 10 iii) are approved in writing by the Local Planning Authority.

PROPOSALS

This application was originally submitted in November 2023, only to amend the requirements of condition 10, so that instead of the details being approved in writing by the LPA prior to any development commencing on site, works could commence on site - up to damp proof course of the approved dwellings, prior to obtaining written approval of condition 10. The submitted details for all parts of the condition were the same as that previously submitted, and refused, under application 22/02240/S73 in October 2023.

In their initial comments, the Highways Authority made it very clear that they could not support a subsequent application where the details of the scheme had previously been refused, and therefore the applicants have submitted a revised scheme for improvements to pedestrian safety along the High Street as much as possible without being able to achieve the scheme originally imposed by the Inspector at appeal, as well as proposals to improve safety (in connection with those required under condition 10, parts i) and ii)) along the alternative pedestrian route through the village to provide a combination of improvements for pedestrian safety as a whole through the village. These proposals have been safety audited by the Highways Authority, prior to their submission as an amendment to the application (to ensure they are technically possible and appropriate safety wise). In addition to this, the original request to amend the timescales for approval of these details has been reverted back to 'prior to development commencing on site', except for works for the clearance, laying out and digging works (as shown on drawing number 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C).

The proposals for the High Street involve the implementation of a '20mph zone' from approximately 20 metres north of the junction of High Street / Church Street to approximately 5 metres north of the junction with the High Street and Marsh Lane. Both ends of the 20mph zone will be designated using signage and a 2metre wide, flush 'paved' band in the road, and a further 'band' will be inserted approximately 30 metres south of the junction of the High Street and Vale Street.

In addition, a signage-controlled priority system will be implemented, consisting of the creation of a single carriageway at one of the narrowest points of the High Street (outside of Gable Cottage). Starting approximately 10 metres north of its junction with the funeral directors, signage and the construction of a 6.3-metre-long traffic island, and erection of several bollards at either end on the south bound carriageway, which will create a pathway for pedestrians of approximately 1.2 metres wide to the front of Gable Cottage, connecting two existing sections of pavement. Priority will be given to northbound traffic via signage.

Drawings have also been submitted which show the requirements of parts i) and ii) of condition 10, in relation to dropped kerbs and tactile paving around the Woodhayes Road area, and the Traffic Signs Regulations and General Directions signage at the junctions listed in the conditions.

In addition, and in order to further improve the safety of pedestrians who will use the alternative route than the High Street, additional works have been proposed which include the addition of street lighting on the pedestrian pathway between Church Street and St Nicholas Close, as well as some additional lighting on Church Street. A

number of granite sett speed reduction features will also be installed along the length of Furge Grove, and the pavement on the eastern side of Furge Grove, opposite the entrance to the allotments, will be extended further north by approximately 8 metres.

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

RELEVANT PLANNING HISTORY

- 24/00651/DOC1 - Discharge of Condition number 10 (Points i) and ii)) of planning application 17/03029/OUT - Not yet discharged
- 24/00650/DOC1 - Discharge of Condition number 10 (Pedestrian Improvements Scheme Points i and ii) of planning application 17/03029/OUT - Not yet discharged
- 24/00548/DOC1 - Discharge of Condition 10 (Part i - Dropped Kerbs and Tactile Paving, Part ii - Traffic Signs Regulations and General Directions, Vehicle Tracking and Part iii Signal-Controlled Priority Arrangement and Part iii High Street Calming scheme and additional pedestrian measures) of planning application 17/03029/OUT - Not yet discharged
- 24/00547/DOC1 - Discharge of Condition 10 (Part i - Dropped Kerbs and Tactile Paving and Part ii - Traffic Signs Regulations and General Directions, Vehicle Tracking and Part iii) Signal Controlled Priority Arrangement) of planning application 17/03029/OUT - Not yet discharged
- 24/0546/DOC1 - Discharge of Condition 10 (Part i - Dropped Kerbs and Tactile Paving and Part ii - Traffic Signs Regulations and General Directions, and having regard to Part iii)) of planning application 17/03029/OUT - Not yet discharged
- 22/02240/S73 - S73 application to vary Condition 10 point iii (scheme for pedestrian improvements) of Condition 10 of Approval 17/03029/OUT (Inspectorate ref: APP/R3325/W/18/3197690) for the Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way - Refused by Committee on 24/10/2023 for the following reasons:
 - 1) The proposal would lead to increased congestion within the village,

resulting in conflict between larger vehicles and between vehicles and pedestrians which would not improve overall pedestrian safety; would fail to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs for all; and would not maximise the potential for sustainable transport. As such, the proposal would be contrary to Policy TA5 of the South Somerset Local Plan (2006-2028) and relevant guidance within the NPPF to promote sustainable transport, in particular paragraphs 111 and 112.

- 2) The proposed Yellow Box system fails to provide the ability to enable service and other delivery vehicles to stop in a safe manner outside the houses situated on the High Street where there are no secondary routes into those houses, thereby resulting in unacceptable inconvenience to occupiers of those dwellings and thus contrary to Policy TA5 of the South Somerset Local Plan (2006-2028)
- 23/01035/DOC1 - Discharge of Condition No. 8 (Surface Water Drainage) of Planning Application 17/03029/OUT (Granted at Appeal 20.11.18) - Condition Discharged 09th April 2024
 - 23/01034/DOC1 - Discharge of Condition 7 (Tree & Hedgerow Protection) for outline Planning Application 17/03029/OUT (Granted at Appeal 20.11.2018) - Condition Discharged 19th July 2023
 - 23/01033/DOC1 - Discharge of Condition No.11 (Highway Drainage) of Planning Application 21/03369/REM - Not yet discharged
 - 23/01032/NMA - Non-Material Amendment to approved application 21/03369/REM for the revision to approved materials - Application Permitted 6th July 2023
 - 22/02242/DOC1 - Discharge of Conditions No.3 (Lighting), No.4 (Highway Details) and No.5 (Highway Survey) for Planning Application 21/03369/REM - Conditions Discharged 31st January 2024
 - 22/02241/DOC1 - Discharge of Conditions no 9 (Construction Management Plan) and No.11 (Footway) for Planning Application 17/03029/OUT - Conditions discharged 23rd August 2022
 - 22/01076/ROW - Footpath Diversion WN 12/25 - Permitted 7th September 2023
 - 22/00305/HDG - Removal of Hedgerow as per Planning Application 21/03369/REM - Permitted 18th February 2022
 - 21/03369/REM - Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure - Approved with conditions 19/05/2022.

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

POLICY

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

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respect listed buildings and states:

"In considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses"

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the 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 SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure delivery

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

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

Neighbourhood Plan

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

National Planning Policy Framework - 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 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

Other Relevant Documents

Planning Practice Guidance

National Design Guide - September 2019

Somerset County Council Parking Strategy (SPS) - September 2013

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

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

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

CONSULTATIONS

This application has been subject to several consultations on both the originally submitted plans from December 2023, and the subsequent amended plans and revised description submitted on 25th March 2024. Full copies of the consultee comments are available to view on the online planning file but are summarised below.

This Authority has been presented with additional comments raised during the public consultation on this application.

The Highway Authority has investigated and fully assessed the nature of these comments and would offer the following:

- This Authority can only object to the S73 proposal if there would be severe harm generated to the highway infrastructure or its users. The whole reason for the question now before us is the desire to protect pedestrian safety. If there is an increase in HGV traffic associated with the commencement of construction, this could be considered an impact on the existing pedestrian traffic which uses the High Street.
- A number of months ago the developer was asked to consider pedestrian improvements in the village away from the High Street. Encouraging pedestrians away from the High Street will improve safety on the High Street, as there would be fewer pedestrians there. Whilst it is recognised this is not quite within the terms of the inspectors condition, it does achieve the same result.
- Comments are made re the importance of the Inspector's decision. However, the Inspector made the decision on the back of flawed information. The Highway Authority never had a chance to audit the initial signalisation scheme. Had we done so, we could have informed the Inspector at the time that it would not be acceptable, and 10iii would never have been imposed.
- Changing the terms of the condition would lead to the generation of the development construction traffic without appropriate pedestrian mitigation being in place.
- A number of comments mention provision of a bypass. This Authority has detailed the reasons why this cannot be achieved previously.
- By constructing all the properties to DPM course there is a dramatic increase in hard surface and therefore run-off. However, information has not been provided where this amended drainage situation has been accommodated.

Previously, when the developer has been discussing amending the condition, this Authority was not averse to such a proposal. However, the proposed change to the words still retains the signalisation of the junction which safety audit has already deemed unacceptable.

Previous conditions applied to different applications on this site secured a CEMP which was subsequently discharged. However, this CEMP was drawn up on the grounds that the pedestrian infrastructure would be in place prior to commencement.

The proposal now before us is to change the scheme's construction program to allow construction to be in place before the pedestrian infrastructure is agreed/constructed under 10iii. In this regard The Highway Authority is not sure the previously submitted CEMP would now be fit for purpose or would cover the amended construction phases of the development.

No information has been provided in the current presented documents to cover:

- The number of construction lorries involved.
- The timescale involved with the construction to DPM level.
- In accordance with the Inspectors wishes, how existing pedestrians would be protected from the introduction of construction HGVs.
- How run-off from the additional hardstanding to be constructed would be accommodated by an amended drainage scheme thus mitigating the risk of flooding on the highway, or to neighbouring property.

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Taking the above into account, and looking at i) The deficiencies of the current submitted information, ii) The valid concerns raised by the local residents, iii) The national direction towards active travel and prioritising pedestrian and cycling infrastructure, the Highway Authority is not currently in a position to accept the change in the condition 10iii's wording as further information is required.

If in time, this Authority is to accept the amended wording for condition 10iii, having regard to the concerns raised during the consultation process, this Authority would need evidence proving such amended wording would make this scheme acceptable in highway terms.

At the present time we are therefore unable to offer a formal recommendation.

10th April 2024

The Highway Authority has been consulted on the above planning application. Having reviewed the submitted details we have the following observations to make on this scheme.

Having reviewed the submitted information this relates to the requirements of condition 10 to provide a traffic calming scheme for the village. The Highway Authority is satisfied that the scheme is acceptable in highways terms.

It is noted that there are a couple of (technical) amendments which can be addressed at the technical approval stage should the scheme be permitted by the Planning Authority.

Henstridge Parish Council

7th February 2024

Cllrs discussed the two flawed attempts by developers to resolve pedestrian safety over the six-year period. Cllrs resolved that pedestrian safety remained the priority for the Parish. Cllrs discussed the merits of a bypass for HGVs which although not perfect would help to address this concern. Cllrs concluded that the application seeks to modify the condition that was imposed at the appeal and collectively opposed this further application was to sidestep the condition until such a stage was reached that would mean Somerset Council could not stop the application. Such works including any ground works, service drains, and construction traffic were unanimously opposed.

In summary the PC oppose the application because it removes condition 10/3, the purpose of which is to achieve essential pedestrian and road safety improvements on the A350 High Street.

Amended Plans

In response to the amended plans, Henstridge Parish Council have requested extra time to provide their comments, as their next meeting is not until 9th April 2024. Their response will be provided to members at the committee meeting.

REPRESENTATIONS

Initially, 150 letters were sent out notifying local residents of the above application (based on those who had commented on previous applications). All copies of the representations are available to view on the council's website, however, the main objections have been summarised below, in no particular order.

In response to the original plans submitted with the original application, a total of 106 objections were received, and one letter of support for the for the principle of pedestrian improvements before development continues.

The following main points have been made, which are summarised below, in no particular order.

1. When the outline application was considered at the appeal Inquiry, the Planning Inspectorate identified within their decision letter that ensuring pedestrian safety for existing and future residents (generated by the proposed development) was a key consideration, and that any mitigation required to achieve this was in place prior to the occupation of the approved dwellings. Permission was only granted

on the basis of a condition securing this mitigation.

2. The planning inspector's words are clear, simple and totally unambiguous: - "No development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority." This condition (10[iii]) as imposed by the planning inspector has not been met. Fear that this is a nefarious attempt to lure us into an irrevocable, unwanted 'fait accompli'.
3. The developers were fully aware of this condition from the start, and they should have conducted due diligence before going ahead with their plans to ensure the condition could be met. It is their problem to resolve, not for planners to alter the condition to allow the applicant to continue to ignore planning law and conditions. This company already has "form", there has already been one planning breach with the installation of water ground works.
4. Improvements for pedestrian safety should apply during any building phase and not just to when the development is completed. As soon as the first spade goes into the ground, there will be increased construction traffic on the main road in Henstridge, A357, making it unsafe for pedestrians in Henstridge straight away.
5. The approval of this permission would set an unacceptable precedent whereby developers start work and then, at a later date, can obtain permission on the grounds of work already started, without complying with conditions already in place in the original planning consent.
Any work needs to be in compliance with the original consent and conditions that were imposed as part of it.
6. If the inspectors condition states that development should not be commenced until the road/pedestrian safety issues has been resolved, then this is exactly what it means. Just because the developer has failed to comply and come up with an acceptable scheme (after at least 3 rolls of the dice) does surely not enable them to use tactics like this to get their own way? To enable the developer to build to DPC level is virtually giving them the nod not to worry about the embattled residents of our village, as sure as eggs are eggs the developer will then come back to water the condition down so they can build them on a bit more, or only sell half the site, and before you know it the Council have capitulated on what was the most important condition of planning being granted on appeal.
7. The proposals to allow construction up to damp-proof course do not constitute a

'minor material amendment' to the original condition that required that no development should take place until an acceptable scheme has been submitted and approved, as suggested by the applicants supporting letter and should not be allowed.

8. Unless the matter of pedestrian safety has been publicly discussed, agreed and implemented prior to any works starting at any level, then the whole process is a waste of time and tax-payers money.
9. Local Public Opinion (as demonstrated at the previous October committee meeting to discuss this site) is clear that there is no reasonable way to achieve the requirements of condition 10, no matter how long it takes or how many attempts, therefore it is pointless applying to change the timescales to do so. The developers, council departments and councillors have already had up to 5 years since the appeal was allowed and the condition was imposed, and the public are still opposed to the proposed development, as they consider that it "adds no value to this village, it is unsafe and unworkable". Changing the timescales for the implementation of a pedestrian safety scheme is not going to enable a suitable one to be developed.
10. As has been proven, there is no solution for extra traffic in the narrow streets of Henstridge village and so the fields of the development site will become useless and never can even be reused agriculturally. The Council must reject this S73 application outright.
11. Policy TA5(ii) of the South Somerset Local Plan requires development which secures 'inclusive safe and convenient access on foot, cycle and by public and private transport that addressed the needs of all'. This proposal would clearly be contrary to those requirements. There is and has always been a very clear instruction from the county council regarding ANY form of work taking place before FULL agreement has been passed regarding this proposed project.
12. In addition, section 2.2 of the Road Safety Strategy 2017-2026 states that "In a Safe System priority should therefore be given to the vulnerability of human beings, not to vehicle mobility at any cost. This can pose challenges in a rural county like Somerset where there are significant lengths of rural roads, some of which have historic and constrained layouts, in addition to lengthy commutes both within and across the county. The use of a Safe System approach in Somerset will require identifying high risk locations, prioritising road treatments and balancing proactive assessments of highway improvements with the rural character of the County".

13. The developers are prepared to spend lots of money of foundations, so obviously still feel there is a way for permission to go ahead, despite them not yet having a complete and valid permission (as some conditions are still outstanding). This application is just a way for them to avoid the objections that have already been upheld.
14. Although most of these potentially abortive costs will fall on the developers themselves, we are concerned about those which may fall to the local authority, particularly at this time of financial crisis and the impact this will have on taxpayers money.
15. There is no mention is made of the legality of the proposals.
16. When this application was allowed at appeal in November 2018, the developer was required to address the vehicular access and traffic issues BEFORE they would be allowed to proceed with any development. They have NOT done this. As recently as October 2023 the council refused permission to proceed following a full discussion. Now the developers are seeking to ignore this requirement and to begin building without meeting their obligations. This is unacceptable, it is undemocratic, and it is underhand.
17. The inspector's clause was to protect pedestrians and existing road users. How can this still not be important? If this problem cannot be solved now, how is having footings in the ground going to help the situation.
18. There are good reasons for conditions to be attached to planning permissions, in this case related to pedestrian safety of existing and future residents, which the Inspector deemed was essential to resolve before development commenced. Conditions force the developers to comply with promised time frames and require mitigation payments and actions before they can profit from the completed development. If they find the conditions hard to implement, they need to ask themselves if they had properly undertaken due diligence before acquiring the property and its development permission conditions.
19. The amount of 'initial' works required to undertake the construction of the foundations before complying with the conditions regarding pedestrian safety will be significant and will require major earth movements and works related to future provision of utility services etc, as well as hundreds of deliveries of concrete and other building materials.

20. If these works are allowed, there would be considerable additional construction traffic, the majority of which would be HGV's or similar, both on site, the immediately surrounding roads as well as the wider village, especially through the High Street, which would further aggravate the existing traffic situation for those in the village and for those wishing to travel through it, whilst also reducing existing road safety.
21. The village is already dangerous enough for pedestrians especially those with young children and the elderly. Increased HGV's and construction traffic during the period would not help or deem it safe at all. The safety of the public and villagers should come first before any building can be started. A half started building site isn't what the village needs or wants to see either.
22. Any benefits to Henstridge from allowing this application to proceed are not evident. There is already unacceptable danger to life due to the existing levels of traffic and highway network, even before the increase in volume caused by this development during the construction phase and by future occupants.
23. The majority of local residents DO NOT want this development within their village, particularly if pedestrian safety cannot be resolved as promised by the Inspector. The development of 130 dwellings in this village location is totally unacceptable, and just because homes are needed on a national scale, does not mean that they should be built on totally unsafe and unsuitable sites not only here, but anywhere.
24. This whole development, was and still, is not wanted or warranted in this area. The only thing that makes this acceptable is sorting out the traffic through the village, which has and will not be done if this application is accepted. Ensuring that the present and future expanded population can safely access the School, Shop / Post Office, Church other village recreational area's in a safe way, the volume of such will increase as younger families move into the village.
25. Henstridge is a village of considerable ancestry with roads and buildings (many of which are now listed) built at a time when traffic was not as it is today. Access through the village at present is extremely poor and with more cars to be seen with a new development, it can only get worse. Additional construction vehicles will only add to the already poor vehicular flow through the village. Long term residents of the village are to be disadvantaged due to no thought being given to them. Therefore, pedestrian improvements prior to the commencement of any building works are of critical importance.
26. It would not be acceptable for the residents of Henstridge to have to endure this

building site for an unspecified period while pedestrian improvements are sorted. Apart from the implications for nature and wildlife in the immediate area, having a building site will be dangerous, particularly for children and animals in the area. There is a public right of way there, so there is potential for harm to come to the residents of Henstridge if there is a building site left while the developers are trying to resolve the pedestrian improvements. There is a very real possibility that the site could be left at Damp Proof Course level indefinitely should a solution not be found. This initial work will make the fields look so unsightly for a prolonged period of time and prevents the return to agricultural use if this development does not proceed. If this happens, what will happen to the land, as it will be It will have been rendered unfit for many other purposes. It would be wiser to wait to start any building until a scheme for pedestrians have been approved.

27. Having a potential building site for a long period of time whilst this issue continues to be discussed would also be dangerous for the users of the public footpath running through the field, it puts walkers at risk, and for the homeowners that live directly alongside those fields, what about the impact for them? That's their view from their windows, gardens, a half-finished building site, dragged out continuous mess and noise and no end in sight for them if the other planning requirements aren't met.
28. If this application is allowed, and the developers are allowed to build up to damp-proof course level, before dealing with pedestrian safety, once everyone realises that it cannot be resolved (and the relevant conditions discharged) this will leave a substantial and irreversible proportion of a new housing estate before Planning Permission has been granted. This is surely to be seen as a cynical strategy to thwart the planning process with developers calculating the LPA will have no choice but to grant full permission in due course, without the developers needing to provide pedestrian improvements, and once the damage is done.
29. If this amendment is allowed, not only will this land then be utterly useless as anything but land to build on (which I personally believe is certainly the reason for them asking for it), but to start this build before this condition is met, shows utter and complete contempt for the planning process.
30. As the precise mitigation required by condition 10iii of the outline permission has turned out to be not practicable, there must be mitigation of comparable planning and economic value. Instead of blaming council members and officers for the previous s73 proposals being refused, the developer should renew and extend their efforts to find a suitable solution rather than trying to get out of the obligation.

31. The developer has put forward no good reason why the Inspector's provision for pedestrians should be watered down, nor why his case is furthered by starting construction work before this issue has been resolved. The citing of previous delays is not an acceptable reason.
32. Concerns that the proposed amendment continues to refer to plan P17033-06-01E, which has been acknowledged to be unworkable.
33. There needs to be a wider and more long-term plan to resolve the issue of pedestrian safety if the scheme originally conditioned by the Inspector cannot be achieved. If the developers and council cannot afford the only safe option of a by-pass, then permission should be withdrawn until it can be afforded.
34. It is impossible to solve the pedestrian safety situation in the high street quickly, without resorting to demolishing old, listed properties. It's going to take a long time to sort out or a lot of money.
35. There simply is not sufficient width in the High Street to allow heavy vehicles and pedestrians to coexist without significant highway safety concerns. An alternative route for HGVs MUST be sought BEFORE any additional housing estate is permitted. Improvements to the Camp Road/Landshire Lane route could provide this alternative route for HGVs wishing to use the A357. Whilst this option may be more costly than the developers had originally envisaged, but that its their issue, not the residents issue.
36. The additional traffic which is utilising the A road due to new local developments or under construction (including the construction of footings) is only increasing the risk of a potential fatality. Lorries must go into the middle of the road to navigate through the village and sometimes have to mount the kerb outside of the local shop which only increases the risk to the public.
37. Somerset council have not indicated how they are going to improve the infrastructure for the increase in population for the local area - schools, surgeries, sewage, road improvements, etc
Somerset Council must reject this proposal to ensure that no further works on this plot or future developments are proposed for the village until a safe pedestrian route to the village amenities is agreed.
38. Concern that part of the building works will start without the construction of the access first.

39. The developers have no regard for either the inspectors decision, local planning policy or the local residents.
40. The Developer has already removed hedges and connected a water supply, which presumably is in breach of Planning conditions, albeit possibly with the permission of Council Officers. Surely it is the responsibility of our elected representatives to ensure that both Council Officers and Developers comply with the terms of the planning consent. This being the case the application must be rejected.
41. The proposal breaches the Inspectors condition relating to road safety, and is "high handed, arrogant, and demonstrates the contempt that the developer has for both the council and the villagers (the electorate)." It is also illegal.
42. The developer should also be penalised and fined for already breaching the Inspectors decision by having a mains water supply installed within the boundary of the proposed development site. This is not minor works or incidental to the development, but significant for the proposed development.
43. The principle of residential development is unacceptable for the following reasons: -
 - a. There is no safe access through the village for present pedestrians.
 - b. This development is in the wrong location. If it was off the A30, West of the village away from the village centre, most objectors would go away as Access, Pollution and Water flow etc would not be an issue.
 - c. During the recent wet weather there has been a torrent of water coming off the development site which rushes across the road and down the hill towards the residents at 'The Mead' making these houses a flood risk
 - d. The school is at capacity.
 - e. There are no Doctors in the immediate area, the nearest being in Milbourne Port and is reaching capacity.
 - f. As the development at Templecombe has shown, the selling of properties has been very difficult requiring expensive nationwide TV advertisements with Cash incentives. Add the Hundreds of houses being built in Stalbridge the question asked, Is there a need for houses or is it just a financial gamble?
 - g. The employment prospects in the area is slim. Compounded by other developments
 - h. The effect on local residents in the Woodhayes area who will lose their parking.
 - i. Very poor public transport is available thus requiring every residence here

and in Stalbridge to have at least one car and thus adding to our congestion.

44. Developers are repeatedly allowed to get away with not complying with the necessary requirements or s106 contributions payments due to increasing costs, which are not enforced against by the council due to lack of funds, and this is what appears to be happening here. The original outline application was not properly fought by the previous council due to 'lack of funds' which is exactly what will happen in this situation.
45. Development should not be started without the Flood Relief System, which was conditioned to be installed before. During the recent bad weather, before the land was disturbed for footings, the water has poured across the main A357, in torrents running downhill to the properties in The Mead where the residents stand the risk of flooding of their properties should the flow increase. This situation will certainly not improve, once footings and properties constructed and was the fact that was forcibly brought to the planners when the decision was first made.
46. The very recent heavy rains caused flooding of the site and A357 which confirms the need for the relief system.
47. Concern that I suspect that most of the County Councillors who sit on the planning committee are not familiar with Henstridge. I do hope they will have the opportunity to visit the village to see first-hand the narrow road without a pavement which we are faced with.
48. The site will become a magnet for anti-social behaviour and there is no guarantee how long it would remain like that along with all the associated dangers it would present.
49. The large development in neighbouring Stalbridge which will increase traffic flow should also be taken into account.
50. I am aware that Stalbridge are also hugely concerned about the wider implications concerning their developments and the lack of cross border discussions. For everyone's sake please urge your Highways team to hold sensible and logical discussions with Dorset before someone gets seriously injured or even killed on this road.
51. The SCC letter of 8 December asks for comment by 29th December, yet the developer proposal to vary the Planning Application, in relation to the road safety aspects, is not yet ready. Seems bizarre to be asked to comment on something

that hasn't yet been finalised.

A357 Henstridge Group

I wish to object to this latest S73 application. The developer considers it reasonable and in keeping with the Town and Country Planning Act 1990 to request this variation. It is not reasonable.

"No development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority'. The Appeal Inspector put this condition 10 iii into his verdict for a reason. As more houses in Stalbridge and Templecombe are being built more traffic results and the Appeal Inspector's wise decision is even more valid today than in 2018.

It is quite clear: an effective pedestrian improvement scheme must be approved and implemented prior to development.

Allowing what might be considered a third of the development to go ahead without a prior successful plan for our High St pedestrian safety would be totally failing to understand and meet the Appeal Inspector's decision - an appeal that the developers requested themselves having had original plans unanimously rejected in Jan 2018 by district councillors as inappropriate in size for such a rural settlement.

There was a serious lack of due diligence by the developer Barratts when taking over the Gladman 130 houses development. Barratts failed to understand the flaws in the first attempt to provide pedestrian safety using traffic lights. Highways couldn't agree on anywhere to fix these lights and we as a village knew it wouldn't work, create chaos and the back roads used by all the school children would become a rat run at commuter time. Eventually Barratts understood and dropped the traffic lights. The next and only other suggestion for pedestrian safety was the yellow box scheme - deemed unworkable by our MP as soon as she saw it. The village agreed and watched it being revised at Highways' request but still full of obvious flaws. These flaws were noted by our county councillors at a public meeting Oct '23. The whole affair has lasted more than 6 years from the initial application in summer 2017 and only these two attempts have been made by the developer to achieve pedestrian safety, neither sensible and they must have known this.

It is quite possible that no pedestrian safety solution is found within the conservation area of our village without a very major plan costing a great deal more than the developers' budget. And likely the developers realise this already, hence their ploy to by-pass the Inspectors condition. This must not be allowed to happen. The fields could be returned to agricultural use as they stand. By putting in footings and bricks up to damp course level this land will be rendered useless.

Somerset has a traffic safety policy TA 5 that must be fulfilled for any development. It should be upheld and strengthened now that the developers are unable after 6 years to achieve a safe route for pedestrians.

The planning department must not concede to this S73 amendment request from the developers, a blatant manoeuvre to start building and ignore safety for residents within our village.

Amended Plans dated 25th March 2024

All previous interested parties (that have previously commented or were previously notified) have been re-notified of the amended plans. A further 104 representations were received in respect of the amended plans and revised description submitted by the applicants on the 25th March 2024 at the time of preparing this report. Members will be updated of any additional letters (and further points raised) at the committee meeting.

The main points are summarised as follows:

1. The resident of Gable Cottage lives alone in the Cottage which would open up onto the proposed pinch point. They are elderly, severely disabled and rely totally on my car for shopping, visiting the surgery and general activities. The council allow me to park just outside my door, as recommended by a doctor's letter. Were their parking space to be removed, they state that they would be totally isolated.
2. Part iii) of condition 10 was which was imposed by the Planning Inspector was specifically aimed at improving safety for pedestrians walking along the High Street - for existing residents of the village, those new residents generated by the proposed development, as well as the occupiers of properties on the High Street. The amended proposals do not meet that requirement in any way.
3. Condition 10 of the outline permission, granted at appeal in 2018, clearly stated that no building should commence until pedestrian safety through the High Street was addressed. This latest proposal does NOT achieve this.
4. Condition 10 of the outline permission is the only opportunity to improve pedestrian safety through the High Street and this requirement should not be abandoned, especially as the existing high levels of traffic (and vehicle sizes) will only continue to increase because of the new residential development and generally over the next 20+ years

5. We need a sensible pedestrian pathway along the high street with traffic in single file at some points and larger vehicles routed elsewhere.
6. These routes were mentioned in 2018 and were quite rightly deemed unsuitable at the time, so there is no need to go over them again.
7. The High Street route remains the most direct and quickest route from one end of the village to the other. This will mean elderly and disabled as well as children will have to take a hilly and much longer detour (via Furge Grove, Church Street and Church Path) adding a considerable amount of time to a relatively short journey. People will not use this suggested detour and still use the dangerous High Street.
8. The Planning Inspector stated that the High Street needed improvements to pedestrian safety, not the back lanes of the village. It is totally unacceptable to push the problems away from the High Street to elsewhere in the village.
9. In addition to the Inspectors requirements, Somerset Council has a policy on Pedestrian Safety and, as residents we do not expect our councillors and their civil servants to allow a scheme that further endangered villagers' lives when walking or cycling within Henstridge.
10. The current proposals to remove the previously proposed yellow box scheme from the High Street and use priority signage techniques (as used in Templecombe), and the additional traffic calming measures, additional street lighting etc along Furge Grove, Church Lane etc suggests that the developers assume that the revised proposals for the High Street will result in traffic diverting from a narrow road to an even narrower back lane. This does nothing to ensure pedestrian safety in the High Street but will contribute to more dangerous conditions on the back lanes of the village, which were originally design for pedestrians and horse & carts. An increase in traffic would almost undoubtedly result in an eventual injury, or worse. This is an argument that has been accepted by the Planning committee in the earlier case, and it still stands.
11. This application is purely another 'workaround' to save the developer money and to avoid the requirements of the condition imposed by the Planning Inspector. The proposals do nothing to improve the village, amenities, or pedestrian safety, and have no regard to the existing residents who live in the village. The whole development is not required or wanted, if it must go ahead the community should benefit. SSDC has been forced to recommend the improvement of pedestrian

safety along the main road. This must remain the minimum requirement. The idea that people should use the same route as the additional traffic caused by the development is ridiculous, the traffic survey carried out recently on the proposed route, and no doubt being used by the developer to justify their figures, is a farce, with the development traffic will treble, therefore increasing the danger to pedestrians. If Highways cannot design a workable system perhaps the whole development should be rejected, especially as once the traffic has got through Henstridge it then has to get through the even narrower streets of Stalbridge.

12. The proposed new wording for condition 10 (iii) would open the door to the condition being ignored completely.
13. The Appeals Inspector rightly demanded a plan that assured safe passage within the village, and the developer has never been able to provide one. Therefore, the response of the Council must still be a refusal to allow the plan to progress. No number of houses are worth a human life.
14. It should be remembered that outline permission for this development was initially refused by the Council and was only granted on appeal subject to conditions, of which the developer was fully aware on acquiring the land. Failure by the developer to fully consider the impact of the conditions during due diligence prior to acquisition, should not be grounds for relaxing them.
15. Via condition 10 iii), the Planning Inspector required a footpath with associated traffic-light-controlled alternate one-way system, in the interests of pedestrian safety. What is currently proposed is basically no change from the current free-for-all.
16. The existing narrow section of the High Street between the entrance to Fountain Place and Furge Lane has NO pavement, and some houses open directly onto the highway. The High Street, with turnings into and out of it, such as Vale Street and Marsh Lane, is already dangerous and damaging without the extra traffic. Narrowing at the pinch point, priority signs, rumble strips will all contribute to clogging the road and create delays and diesel and petrol fumes. It is easy to imagine the long tailbacks that will occur at busy times.
17. The proposed protective bollards and island leave little width for wheelchairs, pushchairs or mobility scooters (and therefore pose no improvement to pedestrian safety). There are several people living ON the High Street who have difficulty walking and the proposed detours are daunting.

18. While providing a short length of footway, the proposals further reduce the width of the carriageway at an existing very narrow point. The proposed priority scheme near Fountain Place essentially formalises the current practice whereby southbound traffic gives way to northbound. This proposal does not appear to provide an improved footway between the Marsh Lane junction and the commencement of the priority traffic zone. Footway provision in this area was a specific requirement of Condition 10iii. It also does not address the multiple lengths of the High Street between the proposed development and The Cross where footway provision is inadequate, being non-existent or significantly less than 1.2 m wide. It therefore does not meet the requirement of improving pedestrian safety.
19. Except for the introduction of a 20mph speed limit, the proposal does nothing whatsoever to improve pedestrian safety. All that the proposed 'Priority Signalling System' will achieve is to increase congestion through the village, WITHOUT improving pedestrian safety in any way BEFORE any development is approved - contrary to in the Planning Inspectors requirements.
20. The increasing number of heavy vehicles passing through and passing each other, including farm tractors with wide trailers, make the High Street hazardous for pedestrians at all times of the day. Gridlock is only too common and, as demonstrated in the previous submissions, even buses often must mount the pavement, so these proposals remain unsafe for pedestrian users.
21. The construction traffic related to the proposed development will continue to add pressure on the high street.
22. It is totally unacceptable to re-route traffic through narrow back streets.
23. The proposals are aimed at increasing pedestrian usage of the back streets through the village (rather than complying with the Planning Inspectors condition) on a route that does not have pavements completely along its length, blind corners, and an incredibly steep alley that mothers with pushchairs, toddlers and elderly residents are supposed to SAFELY circumnavigate! At the same time, the proposals for the High Street will exacerbate the use of these roads by vehicular traffic as a 'rat run' to avoid the additional congestion caused.
24. The alternative pedestrian route being proposed along narrow side roads, (originally built to only accommodate pedestrians or horse & carts) which have no pavements in many places, would also create serious risk to pedestrian safety.

25. The concept of pedestrians making greater use of Church Street/Furge Grove/Lane to St Nicholas Close does not reflect the reality of how this back road is used. It is narrow & twisty, poorly maintained, has inadequate street lighting, partly lacking pavements, and already has on-street parking which hinders visibility. It is already used by many pedestrians to avoid the High Street. The lane to St Nicholas Close is steep up & down, thus difficult for the elderly and those pushing prams, pushchairs & wheelchairs. This is further aggravated in autumn/winter when leaves, etc create a slippery surface. It is not a viable alternative to the High Street.
26. The idea of encouraging pedestrian to use St Nicholas path rather than walk amongst the traffic in Church Street is unrealistic and impractical. What the drawings fail to make clear is that this path has a very steep descent to the stream and a very steep ascent up to St Nicholas Close. No one pushing a pram or anyone with fitness issues will use this route.
27. The section of Furge Grove where it meets Church Street is particularly dangerous, with several 90-degree blind bends. Multiple cars are always parked on either side of the blind corners, and pedestrians would need to walk in the centre of road to navigate these corners. In addition, vehicles need to drive on the wrong side of the road to navigate the blind corners and parked cars. The road continues into single track road (Church Street). Any meeting of vehicles at this point requires reversing around bends - another hazard for walkers. Speed calming measures will not address the safety of pedestrians in this road.
28. Any proposal for small modifications to facilitate additional vehicular traffic will increase the risks to pedestrians along this route.
29. The suggestion of diverting pedestrian - and vehicle - traffic along Furge Grove and Church Street with a few white lines, dropped kerbs and rumble strips is ridiculous.
30. This route is already a 10mph zone, and the conditions have been made worse in the last few years by residents parking on the road due to lack of parking spaces and more people owning vehicles. This means that pedestrians must often squeeze against the walls etc when vehicles pass as there are no pavements
31. The parking situation around the church is particularly dangerous on a Sunday (or any other occasion a service is happening) and often prevents access along Church Street or Furge Lane. This has always been an unsafe area for pedestrians with cars around Church Street, and the proposed streetlights will not

improve this situation.

32. Children play in the street on this route, and it is already well used by parents and their children walking to and from school. There have already been several near misses between children and vehicles.
33. Additional vehicles using this route will generate additional noise and disturbance, which will be exacerbated by the traffic calming measures which will also cause additional wear and tear on vehicles. Increased street lighting would create further light pollution, in an area which has amazing night skies, which should be preserved. This section of the village is also a preserved Conservation Area.
34. Essentially, this site and any to the South of the current built up area is totally in the wrong place as it does not conform to the NPPF and Somerset's own policy as regards sustainable development for all the reasons people have given. The Appeal got through on false information that no one had a chance to assess which is why we are in this situation. The Inspector had to attach this pre commencement condition to make the application fit in planning terms and without it, the appeal would have been refused. Somerset Council needs to uphold the principles and not allow financial gain to take precedence over people's safety.
35. With the growth of Stalbridge just a mile South, almost all their traffic heads through our High Street. A plea, please can Somerset and Dorset Highways and planners get together to discuss the seriousness that all this developing within a small area and the impact it is having on people's lives now let alone the future.
36. Speed bumps, other traffic calming measures and street lighting are not wanted in the village and are not a suitable alternative to resolving pedestrian safety for the High Street.
37. The anticipated additional traffic would also increase the danger at the junction of Church Street and the High Street (The main A357). Joining the A357 at this point is partially a blind entrance and the exit from The Cross to Church Street is nearly always single file due to parked cars.
38. The roads in this area are currently in a poor condition and an increase in traffic would no doubt make them worse and therefore increase the maintenance budget required.

39. Cannot see how this narrow lane could safely absorb any more traffic and the increased likely traffic from any new development will have a detrimental impact on safety especially as Furge Grove and Church Street could become even more of a rat run to bypass the High Street congestion.
40. The proposal for an alternative pedestrian route to the village centre via Furge Grove and Church Street was considered during the outline planning process and rejected at that time because the road is extremely narrow, lacks a footway for substantial sections and is likely to be increasingly used as a "rat run" to avoid the High Street. The provision of traffic calming measures, further narrowing the carriageway, in this area is likely to be detrimental to, rather than enhance, pedestrian safety.
41. If the amended proposals are approved, it will create the worst of both worlds: the High Street will still be dangerous for the increased number of residents, whilst the previously quiet back street will become a dangerous rat run for vehicles trying to avoid congestion on the High Street.
42. Clearly the developers of this application are submitting an avalanche of varying applications with minor modifications that are all rejected on safety grounds. The hope is that one will get through and they can start with their unsafe plan. This approach is exhausting, and this abuse of the process should be looked into, and the submitters reprimanded if necessary.
43. The developers approach to keep chipping away at the requirements of condition 10 are unacceptable. Anything that does not provide the full requirements of the conditions should be rejected and further submissions refused.
44. The proposed plans and documents are too complicated to be understood by members of the general public.
45. Somerset Council should stop wasting taxpayers time and money in allowing the developers to tinker with their application to produce unrealistic solutions to the problems of meeting the requirements of the 10 (iii) restrictions.
46. There are currently rumours that some works/activities have already taken place within the site. If this is the case, then it should be investigated immediately, as residents consider that it would be illegal to undertake works prior to the full resolution of the numerous ongoing matters.
47. In 2018, the Planning Inspector was led to believe that pedestrian safety through

the village could be improved by traffic lights and a raised pavement scheme. He allowed the appeal on this basis (in the developers favour), although the submission of the proposed scheme was submitted at such a late stage that it was not possible for the LPA or residents to fully assess the proposals. Residents believe that the Planning Inspector was misled, and his verdict is flawed, and that had the proposals been fully assessed at the time, on balance he would not have allowed the appeal for residential development in 2018.

48. Whilst it may feel like there is a shortage of housing withing Somerset, the Planning Department should not allow this to colour their attitude to this unrealistic and unsafe proposal and should stop promoting this development of 130 residential properties.
49. These applications must be declined in whatever form they are until the safety or by-pass issue is addressed.
50. Residents ask the developers and planning department to reflect on a near 7-year history of constant resistance by the local residents and councillors, the very many residents' comments over the years and now those of Highways. Please come to the conclusion that this is an oversized development in the wrong place in an ancient village already suffering from the modern problems of ever-increasing volume and size of traffic.
51. This scheme should have been abandoned long ago as a 'non-starter' once the spurious traffic light scheme had been shown up to be unworkable. Or the developers should have pushed with all their might to get HGVs, traffic and more out of our High St - they had many years to do this but failed.
52. Why are they being allowed to start entrance works to the site, and why is that different in essence from building houses up to the damp-proof course?
53. The recent high levels of rainfall have demonstrated that recurring eater overflow / flooding from the site onto the A357 occurs, and that this would be massively increased by the 130-house development. There is significant concern about the potential impacts on the new residents (of that development) and the existing drainage infrastructure. The flood relief system must be installed before any work on the site is undertaken.
54. As the development will be to the very south-west edge of the village why can it not have an entrance and exit directly on to the A30 main road instead of the very narrow village streets?

55. The argument in relation to the councils poor housing land supply is not relevant (it was only relevant at appeal), and the case should be considered on its own merits. There is currently an oversupply of residential development in the South Somerset Area, and notwithstanding this, Central Government has subsequently decided to remove the housing target quotas from the planning process.
56. The agreement which the builders accepted, was that no building work of any kind would be carried out. By digging an entrance no doubt with kerbs tarmac is called building work plain and simple, they may wish to address it by another name, but it is still building work.
57. A new review should be done of the whole project. It has been several years since the development was first proposed in which time floodwater has increased across the A357 and local roads and traffic has already increased considerably.
58. Many reports of witnessing (first-hand) accidents, and near misses in the High Street, and elderly neighbours and children trying to negotiate the High Street at both ends. Also, evidence of witnessing juggernauts coming from Stalbridge and crashing into houses because they cannot get round the corner.
59. The village cannot cope with the additional people and traffic from the proposed 130 houses - the school is full, there is no doctors surgery, and the nearby surgeries are already at capacity. Why not build the houses in a town which has the infrastructure in place already to cope with such a large influx of people.
60. The proposed affordable housing on the site will not be affordable for locals - it is just developers greed.
61. The permission will expire in May, but the developer has always been aware of the condition and must now realise that the land is not suitable for housing and hopefully no further waste of council time and money will be spent trying to achieve the impossible.
62. The developer has made no mention on how it will manage the construction workers vehicles parking for the development of this site. The proposed pedestrian safe routes would be affected by additional parked vehicles and congestion at busy times of day for local residents for work/school runs.
63. With regards to the proposals for the High Street, the proposed map is inaccurate, and minimises the issues with southbound visibility, as south-bound

traffic cannot see what is travelling north before they commit and block the road. The road at that point has a much tighter radius than that represented on the map and as happens regularly now, two HGV cannot pass in that area. With car drivers blindly following the HGVs, it often arises that neither HGV can reverse because there are cars behind it, and they cannot reverse because other drivers have followed them because they cannot see what is causing the obstruction ahead. It can take 10 minutes or more for enough people to reverse far enough to let one HGV return to somewhere where it can pass another; tempers get frayed and the fumes for local residents as all this traffic just sits there, engines running, waiting to get through, can make the air quality intolerable.

64. Furthermore, this plan implies that two HGV can pass each other in much of the area covered by the 20mph zone beginning at the Furge Lane Junction. This is a fallacy and quite untrue. It is close for two cars to pass there, almost impossible for one car and one HGV and 'true' measurement - rather than one implied by a satellite image - will show this to be the case, a problem exacerbated by the curvature of the housing whose walls are the only physical boundary to this area apart from a few badly placed plastic bollards which reduce the available width by another 400mm.
65. In relation to the proposals for the Furge Grove route, particularly the proposed 'Granite Sett Speed Reduction Features', whilst they might look pretty, is located as proposed, they would be entirely ineffective. Traditional raised speed bumps would also be utterly ineffective for motorists, particularly inexperienced ones.
66. The proposed lighting to the footpath leading from Church Street to St Nicholas Close may help divert people away from Church Street to access the school (although the steep climbs at either end make that an unlikely route for those with prams or pushchairs), but anyone visiting the pub or the shop, or wishing to access the many properties a long Vale Street or Blackmore Lane, will not go the long way round to get there.

A357 Henstridge Group

"The A357 Group continue to strongly object to the latest submission by the Developer to ask for permission to be given to start the site by creating the entrance BEFORE a scheme for pedestrian improvements has been agreed along the A357 High Street as stipulated in the Government Inspector's PRE-COMMENCEMENT condition.

The priority system scheme that they have come up with merely formalises what is

already there naturally (caused by the geographical features of the road) and is of absolutely no benefit whatsoever to people living and having to walk along this stretch of extremely dangerous road. It will have the opposite effect with the narrowing of the carriageway at the point of the widened barrier/bollard arrangement. It is not clear how existing parking spaces along the High Street (including outside people's properties) would be affected by the plans.

We are not convinced that the siting of signage has taken account of restricted road width and the risk of collision with wide vehicles and wing mirrors.

We perceive that this system will cause traffic to back up more than it currently does causing excess noise and pollution for the residents whose homes open directly on to this very busy road. Has any consideration been given for homeowners needing access to maintain their properties?

The vehicle tracking diagram 501.402.04 demonstrates two HGV lorries of 16.5mtrs long passing on a straight section of road. However, as of May last year the Government allowed for vehicles of 18.5mtrs to be able to be on our roads. We suggest that the current tracking diagram is out of date and needs to be resubmitted using the correct maximum length. It also does not allow for the much-needed parking at Victoria Terrace (these people have nowhere else to park) and shows two vehicles passing at this point which frequently is impossible.

The measures proposed in the High Street, in the context of increasing commercial and agricultural vehicle sizes and volumes of traffic generated by housing developments in Templecombe and Stalbridge in addition to the proposed 130 house development in the south of Henstridge, will encourage the use of the Furge Lane, Furge Grove and Church Street back route, which should be for vehicular access and pedestrians only. The proposed changes will do nothing to improve pedestrian safety.

We remain extremely concerned at our position being caught between the current expansion of both housing and industry of Wincanton to the North, through Templecombe on to Stalbridge, Sturminster and Blandford to the South.

Policy TA5 of Somerset's own Local Plan requires new development to address its own transport implications and to maximise the potential for sustainable transport. The pedestrian improvement works as outlined in the appeal Decision would be necessary to ensure the proposal accords with that policy. With the governments push towards more sustainable travel, we cannot see how the S73 application would accord with Policy TA5.

The 2018 Appeal was allowed on condition 'inter alia' that safe pedestrian safety measures, which included a footpath, would be put in place along the whole of the High Street. The Appeal Decision (paragraph 45) states that "[all of] the pedestrian improvement works would be necessary in the interest of highway safety...".

On the basis of everything above we ask that the latest S73 application is refused".

CONSIDERATIONS

Principle of Development

The principle of this residential development has been established through the approval of outline planning application 17/03029/OUT at appeal in November 2018, allowed by the Inspector subject to a number of conditions, and a Unilateral Undertaking which provided financial contributions towards Early Years provision, the provision of 19 affordable housing units, public open space, and a travel plan.

The subsequent reserved matters approval (21/03369/REM) was approved by East Area Committee of the former SSDC in May 2022, and both permissions remain extant (subject to the discharge of the remaining condition) until 19th May 2024.

This current application is made in relation to amending the requirements in respect of condition 10(iii) of the outline consent in relation to off-site highway works, which has found to be unworkable, as originally imposed by the Planning Inspectorate. As such, the current application proposes no changes to the approved access, layout, scale or design of the approved residential development under either the outline or reserved matters approvals, or the subsequent non-material amendment in relation to external materials. Therefore, based on the amended proposals and description submitted on 25th March 2024, the only matters under consideration by the committee are the acceptability of the revised details of the off-site pedestrian improvement works, and the timing of the written approval of those details.

Highways

The main issue in relation to this application is the requirement of the Planning Inspector's condition 10(iii) (of the outline consent) to provide "a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane Marsh Lane generally in accordance with plan ref: P17033-06-01E", and whether the proposed alternatives submitted by the applicants, would increase pedestrian safety for existing and future residents of the village using the High Street, in accordance with policy TA5 of the South Somerset Local Plan and the guidance within paragraphs 115 and 116 of the NPPF.

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

As previously outlined, following the refusal of the outline application in January 2018, the applicants included proposals to improve pedestrian safety on the High Street within their appeal against refusal of the application. During the consideration of the appeal, the inspector clearly identified that the scheme for pedestrian improvements initially put forward by the appellants, which included a raised pavement along a signal-controlled single width carriageway along the section of the High Street, were necessary in the interest of ensuring pedestrian safety and enabling sustainable travel to support local facilities, as well as addressing the developments own transport implications in accordance with policy TA5 of the South Somerset Local Plan, and therefore the appeal was determined on the basis of the proposals submitted by the appellants. However, the relevant parties had not had the opportunity to fully assess the proposed off-site works, and had they been able to, would have established that they were not viable.

It is acknowledged that the proposed development would generate additional traffic, both pedestrian and vehicular, although aside from the construction period, the amount of additional HGV traffic likely to be generated by the proposed development would be minimal. Concerns have been raised by residents and other interested parties about the impact of construction traffic from the development, which would involve specific HGV's and larger vehicles. It is confirmed that construction and delivery vehicles in association with the initial building process will be diverted away from the High Street, via a number of diversion routes set out as part of the Construction Management Plan, required by condition 9 of the outline consent. The information required to discharge this condition has been submitted (under 22/02241/DOC1), which outlines within the Traffic Management Strategy that construction traffic / deliveries are expected to drive around the village, and not through it, with 4 different alternative routes provided to avoid the village centre. This condition was discharged in August 2022.

The existing constraints of the High Street which result in many of the issues with pedestrian safety, also pose the greatest constraints to improving the issue as

originally proposed at the appeal, as they may not allow for 'modern' interventions or standards to be achieved, and since further technical work has been undertaken by the applicants for the proposed mitigation, it has been established that the original traffic light scheme would be difficult to implement, due to issues such as road levels preventing pavements being constructed properly, or the proposed traffic lights on the junction of the High Street and Furge Grove obstructing traffic. The most recent proposals for a yellow box priority system, submitted under application 22/02240/S73, was refused on the grounds of pedestrian & vehicle conflict, failure to secure inclusive, safe and convenient access for all inconvenience and unacceptable inconvenience to the occupiers of the High Street, contrary to policy TA5 of the South Somerset Local Plan, and the relevant guidance within the NPPF (Sept 2023) to promote sustainable transport, in particular paragraphs 111 and 112 (which are now paragraphs 115 and 116 of the NPPF - Dec 2023).

The applicants have continued to work with the Highways Authority to find the best alternative solution to the requirements of the Planning Inspector to provide a footway through the High Street, and the amended proposals, submitted on 25th March 2024 include the removal of the previously refused 'yellow box system', and the formation of a single carriageway at the narrowest point of the High Street (adjacent to Gable Cottage), with the creation of a signage-controlled priority system. This enables two existing sections of formal pavement along the eastern side of the High Street directly to the north and south of Gable Cottage to be connected by a dedicated pathway approximately 1.2 metres wide (existing levels do not permit the construction of a raised footpath) which will be 'reinforced' by the introduction of a physical build-out approximately 6.3 metres long, (as shown on drawing 501-402-01-S.278 Works_Sheet X RevG-01) and to enable pedestrians to avoid stepping into the road at an existing pinch point of the High Street.

Whilst the applicants acknowledge that this section of footpath cannot be constructed to 'modern' standards or widths and the proposals cannot provide a new pavement along the entire length of the High Street (in particular to the front of the stretch of cottages on the eastern side of the road between Sheila's Cottage and Cotton Corner House), the current proposals do improve the existing situation regarding pedestrian safety which the applicants have outlined (in their supporting information) was the general purpose of the Planning Inspectors condition. Furthermore, the applicants argue that the Inspectors wording of the condition allowed for a degree of flexibility, as part iii) states "*a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane/Marsh Lane generally in accordance with plan Ref. P17033-06-01E.* (Applicants emphasis).

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

In acknowledgement of the inability to provide a full pavement for the entire length of the High Street, the developers have also looked at additional works to the alternative route through the village along Woodhayes, Furge Grove and Church Street, which the Inspector identified in his decision letter. The Inspector noted that whilst most of these roads only have partial footways, and for most of the routes there is no footway, traffic volumes are much lighter than those on the main road, speeds are low and there is sufficient width to accommodate pedestrians and traffic. In conclusion, he stated that as a result of the proposals submitted at the time of the application, *While much of Furge Grove and Church Street would remain without footways, pedestrian safety on that route would be improved.*" The additional works proposed to this route would further improve pedestrian safety or usability, and therefore the proposed works are also acceptable, in accordance with policy TA5 of the South Somerset Local Plan.

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

Members are reminded that although some representations repeat calls for existing HGV traffic to be 'diverted' away from the High Street, through a weight restriction Traffic Regulation Order, and the diversion of HGV's along the Marsh Lane / Landshire Lane route, as they see this as the main cause of poor pedestrian safety, this is not possible. Paragraph 57 of the National Planning Policy Framework outlines that planning obligations should only be sought when they meet *all* of the following tests:

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

necessary to make the development acceptable in planning terms

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

directly related to the development

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

fairly and reasonably related in scale and kind to the development

The creation of a formal diversion route would not be just a simple matter of erecting a few signs and sending lorries onto different roads; as numerous issues would need to be attended to prior to any diversion being agreeable:

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

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

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

Variation of trigger point for discharge of condition 10

The second part of the amended proposals is to vary the point at which condition 10 needs to be formally discharged in writing by the LPA, with the applicants proposing that a limited amount of works to the approved entrance to the site from Woodhayes Road, involving the clearance, laying out and digging works in relation to the main access (as shown on plan ref 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C) can take place, prior to condition 10 being formally discharged in writing by the Local Planning Authority. (This differs from the originally submitted application which sought permission to construct to damp proof course before condition 10 needed to be formally discharged.) As outlined in their supporting letters, this to enable an additional period of time for them to obtain the necessary technical approvals, once an alternative scheme for part iii) of condition 10, has been agreed in principle, or to allow additional time to continue discussions with the Highways Authority to find an alternative solution.

The applicants have confirmed that the Construction Management Plan approved under condition 9 of the outline planning approval in August 2022 will cover this stage and ensures that no site vehicles will use the High Street (as there are diversion routes within the approved document).

At the same time, the applicants request a change to the wording of part iii) of the condition, to enable alternative schemes to be agreed without the need to formally amend the wording of the condition.

Therefore, the applicants request that condition 10 of the outline approval should be amended to reflect both the timescales for the formal discharge of condition, as well as the proposed amended scheme for improvements to pedestrian safety through the High Street, as follows, with the proposed amendments underlined:

No development (save for works in respect of clearance, laying out and digging works as shown on plan ref 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C) shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter. The submitted scheme shall have regard to the following:

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

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

- iii) A priority scheme on the A357 High Street and additional traffic calming measures to Furge Grove and Church Street, and street lighting to footpath link from Church Street to St Nicholas Close in accordance with plans 501-402-06 S278 Works (Sheet 6) Rev A, 501-402-08-S.278 Layout (Sheet 8) Rev B and 501-402-01-S.278 Works_Sheet 1-Rev G or an alternative scheme to be agreed in writing by the Local Authority.

It is considered that the proposed alterations to the timescales for formally discharging condition 10 are acceptable. The council is still unable to demonstrate a five-year housing land supply, and the principle of residential development in this location continues to comply with the relevant local policies within the South Somerset Local Plan and the guidance within the National Planning Policy Framework. Any future applications to renew the currently extant permission in its entirety would be approved. Therefore, the proposal to extend the time period for compliance with condition 10, to enable a suitable solution to be achieved, rather than lose the existing permission, is reasonable in planning terms.

Other matters

Residents have stated that some unauthorised works have been undertaken on the

site, prior to all the necessary matters being resolved. The applicants have confirmed that there has been some survey work taking place on the site in preparation for future works, (which does not need any planning permission) and officers are satisfied that no unauthorised works have taken place on site to date.

Representations have also been received regarding the flooding issues that surround the site, with recent heavy rainfall causing surface run-off to flood the main road, and on occasions, surrounding residential properties. Concerns have also been raised that given the length of time since permission was originally allowed at appeal, this matter should be revisited, as the considerations will be out of date.

During consideration of the appeal, the Planning Inspector acknowledged that the proposed development would increase impermeable areas and surface water run-off, but imposed a condition to ensure that this would be controlled and limited through provision of sustainable drainage measures, which would also be designed to reduce potential existing localised flooding. Condition 8 of the outline approval (17/03029/OUT) required the submission of *"details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority"*.

Details required by Condition 8 of the outline permission were submitted in April 2023 (23/01035/DOC1) to the Local Planning Authority and following discussions with the Local Lead Flood Authority who have fully assessed the proposals, (including a number of requested amendments to the strategy), the details are considered to be acceptable, and the condition has recently been discharged.

Conclusion

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

This current application solely relates to the detailed requirements of section (iii) of condition 10 of the outline approval, (which relates to the provision of off-site highway works to improve pedestrian access along the High Street for existing and proposed residents of Henstridge) as well as the timing for when condition 10 needs to be formally discharged in writing by the Local Planning Authority.

Whilst the loss of the originally proposed scheme for a formal pavement along the length of the highway, due to technical reasons is regrettable, it is considered that the revised off-site works, which will still include carriageway narrowing as part of a proposed priority system between Marsh Lane/Furge Lane and the High Street as well as additional pedestrian footway to link existing sections of pavement, and 20mph speed limit throughout, will improve facilities for pedestrians, in accordance with the requirements of policy TA5 of the South Somerset Replacement Local Plan, and the Planning Inspectors decision in relation to the approval of the outline application 17/03029/OUT.

For this reason, it is recommended that condition 10 (iii) of outline planning approval 17/03029/OUT should be amended as follows:

No development (save for works in respect of clearance, laying out and digging works as shown on plan ref 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C) shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority.

The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter. The submitted scheme shall have regard to the following:

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

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

- iii) A priority scheme on the A357 High Street and additional traffic calming measures to Furge Grove and Church Street, and street lighting to footpath link from Church Street to St Nicholas Close in accordance with plans 501-402-06 S278 Works (Sheet 6) Rev A, 501-402-08-S.278 Layout (Sheet 8) Rev B and 501-402-01-S.278 Works_Sheet 1-Rev G or an alternative scheme to be agreed

in writing by the Local Authority.

The original conditions attached to the outline planning permission, which have already been discharged, have been amended to reflect that development should be carried out in accordance with the approved details, and to avoid the need to discharge them again.

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

SUBJECT TO THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

06. Development shall be carried out in accordance with the details of surface water drainage scheme based on sustainable drainage principles, approved under LPA reference 23/01035/DOC1 (Discharge of Condition 8). The approved works shall be carried out and maintained in accordance with the approved programme and details.

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

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

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

08. No development (save for works in respect of clearance, laying out and digging works as shown on plan ref 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C) shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority.

The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter. The submitted scheme shall have regard to the following:

- i) dropped kerbs and tactile paving at the following junctions:
 - Woodhayes Way/A357 Stalbridge Road
 - Woodhayes/Townsend Green
 - Woodhayes/Bugle Court
 - Woodhayes (Marlstone Court)
 - Woodhayes/Furge Lane
 - Furge Lane opposite Furge Grove;
 - ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 'Pedestrians in Road Ahead' plus distance plate (380 yds) signs at the following locations:
 - Junction Furge Lane/Furge Grove
 - Junction Church Street/A357; and
 - iii) A priority scheme on the A357 High Street and additional traffic calming measures to Furge Grove and Church Street, and street lighting to footpath link from Church Street to St Nicholas Close in accordance with plans 501-402-06 S278 Works (Sheet 6) Rev A, 501-402-08-S.278 Layout (Sheet 8) Rev B and 501-402-01-S.278 Works_Sheet 1-Rev G or an alternative scheme to be agreed in writing by the Local Authority.
09. No part of the development hereby permitted shall be occupied until a footway of 1.8m minimum width has been provided on Furge Grove between its junction with Furge Lane and the existing footway to the north on Furge Grove. The retained carriageway width shall be no less than the existing carriageway width.

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

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

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

**Report for Information
Planning Committee - South**



22 April 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 March 2024).

Application No: 22/00695/OUT
Address: Land OS 3400, Mudford Road, Yeovil.
Description: Outline planning application with all matters reserved except for access, for the erection of up to 252 dwellings, public open space (including community orchard and village green), woodland planting, ecological buffers, sustainable drainage systems, a biodiverse wetland habitat and other ancillary works.
Application Decision by: Not applicable
Appeal Decision: Allowed.

Application No: 21/00502/OUT
Address: Land OS 8565, West of Pilgrims Way, Lovington, Castle Cary.
Description: Outline application with all matters reserved except for access and layout for the erection of 2No. dwellings (self-build) and improvements to access and construction of footway.
Application Decision by: Officer delegated.
Appeal Decision: Dismissed.

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

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Appeal Decision

Inquiry Held on 23-25 January 2024

Site visit made on 25 January 2024

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18/03/2024

Appeal Ref: APP/E3335/W/23/3328322

Land north of Mudford Road, Yeovil, Somerset

Grid Ref: 356250, 118369

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Yeovil LVA LLP (Land Value Alliance) against Somerset Council.
 - The application Ref: 22/00695/OUT, is dated 15 March 2022.
 - The development proposed is erection of up to 252 dwellings, public open space (including community orchard and village green), woodland planting, ecological buffers, sustainable drainage systems, a biodiverse wetland habitat and other ancillary works. All matters reserved except for access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 252 dwellings, public open space (including community orchard and village green), woodland planting, ecological buffers, sustainable drainage systems, a biodiverse wetland habitat and other ancillary works. All matters reserved except for access subject to the conditions included in the schedule to this decision.

Procedural Matters

2. Since the application was submitted South Somerset Council was merged with three surrounding districts to form Somerset Council, a Unitary Authority which commenced operation on 1st April 2023. This decision is based on the policies of the South Somerset Local Plan 2006-28 adopted 2015.
3. The scheme is submitted in outline with all matters reserved apart from access. A parameter plan (190812 L 02Rev B) was submitted with the appeal. I have treated this as illustrative only.
4. Given the size of the proposed development the appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
5. Between the time that the Council resolved to oppose the scheme and the start of the appeal process a revised access strategy (23037/PHL/01 Rev E) was agreed between the parties. The changes between the previous strategy considered by the Council and that before me were presented at the Inquiry. Given the small-scale nature of the suggested changes, I am satisfied that no

parties have been prejudiced by this late revision and accordingly my decision is made on this.

6. Following publication of the revised National Planning Policy Framework (the Framework) on 20 December 2023 I wrote to the main parties for comment. Comments received have been incorporated into this decision.
7. The appeal was accompanied by a draft S106 Agreement. A completed Agreement dated 15 February was received following the closure of the Inquiry; this is referred to later.
8. Finally, there are a number of designated heritage assets surrounding the boundaries of the appeal site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers, to have special regard to the desirability of preserving listed buildings or their setting. Accordingly, I have assessed the impact of the appeal scheme on these buildings and structures later in this decision.

Main Issue

9. The Council originally suggested three putative reasons for refusal of the application which included insufficient information on archaeology of the site, insufficient detail in respect of the infrastructure required to support the application and the effects of the scheme on the landscape character and appearance of the area.
10. The Council agreed, in advance of the Inquiry that archaeology could be addressed by suggested conditions and that infrastructure by a completed S106 Agreement.
11. Accordingly, the outstanding main issue is:
 - The effect of the proposed scheme on the landscape character and appearance of the area.

Reasons

Landscape character and appearance

Landscape effects

12. The appeal site lies on the northern edge of Yeovil and extends north of Mudford Road towards Sock Lane. Ribbon development on both sides of Mudford Road mark the top of an escarpment above the site. The site comprises three fields of around 25ha surrounded by farmland. Yeovil 'Without' sewerage treatment works lies by the northwestern corner of the site.
13. The appeal site does not lie in a valued landscape as defined by Paragraph 180a) of the Framework. The Council recognise that it has value related to its undulating and undeveloped nature which allows views north from Mudford Road. In contrast the appellant, through the application of adopted guidance¹ identify that the site has a medium value.
14. The value of the site is derived from its openness with its natural heritage derived from the location of the 'goyle' (a local term for a steep sided wooded valley) along part of its western edge and a small group of protected trees

¹ Landscape Technical Note 02/21

towards the southern edge of the site. The absence of footpaths through the site result in a low recreational value and it is not covered by any nature conservation objectives nor does it have any cultural associations. Whilst the site's northern edge is relatively tranquil traffic noise and the presence of dwellings along Mudford Road and Stone Lane are experienced across the southern and central parts of the site. For these reasons, I find that the site has a medium value.

15. The site lies in NCA140², Yeovil Scarplands, characterised as a predominantly rural area which comprises ridges and steep scarps separating clay vales. These features are identified in the LCA2³ Northern Escarpment Foothills included in the Yeovil Peripheral Landscape Study⁴ (YPLS).
16. Whilst the YPLS does not strictly follow the GLVIA3⁵ guidance it is an important material consideration given its assessment of landscape capacity to sustain development. This identifies the site as lying within LCA2a, an area of high sensitivity to change due to its rural character. However, the study recognises that within LCA2a, in areas where field boundaries and hedgerow trees have been removed as in the appeal site, there is a medium sensitivity to change. This was agreed by the Council despite their written evidence to the contrary⁶.
17. The escarpment which in part follows the edge of Mudford Road is not consistent in form with varying levels of steepness and orientation. The site includes a moderate slope from around 82metres AoD by Mudford Road to 45metres AoD at its northern edge; a distance of around 830metres. This contrasts with the steepness of the slope on the site lying immediately to the west. The appeal site faces outwards towards the open rural character of the Yeo Valley.
18. The parameter plan submitted with the appeal identifies 252 dwellings located across the site, with a village green on its southern edge by Mudford Road with its northern part used for recreation including for a LEAP⁷, MUGA⁸ and orchard with a cascading water feature which would act as a SUDS⁹. The appeal scheme would involve the removal of around 180metres of hedgerow from across the site.
19. The appeal scheme would require the creation of development platforms requiring areas of cut and fill. Whilst around 40% of the appeal site would be occupied by built development the scheme's Green Infrastructure would include the MUGA, LEAP and SUDS. These features would, however, be clearly manmade structures resulting in landscape changes which would be permanent and irreversible.
20. Despite the scale of change resulting from the appeal scheme, the proposed areas of housing would be located away from the steepest slopes lying on the western side of the site where the land falls away to the 'goyle'. Existing woodland would be extended along the western edge and the proposed areas

² National Character Area

³ Local Character Area

⁴ CD3.4a 2008

⁵ Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute for OF Environmental Management and Assessment

⁶ Mr Potterton XX

⁷ Local Equipped Area of Play

⁸ Multi Use Games Area

⁹ Sustainable Drainage System

of housing would be partially contained by existing hedgerows, a majority which would be retained and which would be enhanced as part of the mitigation strategy. The nett effect of these changes is that despite its scale the scheme would result in only moderate adverse impacts on the site.

21. Furthermore, given the comparative size of the appeal site with the NCA in which it lies, there would be negligible impacts on it and only limited adverse impacts on the Yeo Valley to the north. There would, however, be moderate adverse impacts on the land to its east and west given the high landscape sensitivity of these two areas. This could partially be addressed through the proposed mitigation.

Visual effects

22. The main parties agreed a set of viewpoints and visual receptors from around the site which were shared on the site visit. The Zone of Theoretical visibility (ZTV) extends to a maximum distance of around 4km to the north of the site but in other directions is drawn tightly. This reflects the natural changes in topography across the area which are important in exposing the receptor to a range of different views of the site.
23. The proposed development as suggested by the parameter plan would include 252 dwellings located across the site as either houses or apartment buildings of between 2-2.5 storey height (8.5-10metres ridge height). The appellant's assessment of the visual impacts of the scheme was anticipated at a period of fifteen years after completion of the scheme when the proposed landscape mitigation would have started to have greater effect.
24. The parties differ on the significance of effects for the occupiers of those residential properties on Mudford Road which directly face the site. The Council identify major adverse effects whereas the appellant consider these would be moderate adverse. Given the fall in levels within the site away from Mudford Road and the suggested mitigation included in the parameter plan in the form of the 'village green' and additional planting the visual effects would be moderate to major adverse.
25. The existing hedge along the edge of the footway on Mudford Road varies in height. The appeal scheme would result in minor adverse effects for pedestrians along that part of the footway close to the junction with Lyde Road.
26. From the residential properties along Mudford Road, the appeal scheme would still allow an appreciation of the wider landscape across the Yeo Valley. This contrasts with the visual impact of frontage development of seven dwellings at Combe Street Lane, Yeovil¹⁰ which was dismissed on appeal because it would have prevented an appreciation of the openness of the countryside beyond. In contrast, despite the marked difference in size between that scheme, the appeal scheme would not prevent appreciation of the landscape to the north from the Mudford Road properties.
27. The site was not viewed from the rear of the residential properties along Stone Lane. The occupiers of these properties, as sensitive receptors, would experience moderate adverse effects arising from the scheme's development. The effects of the scheme are moderated by the intervening fields and the

¹⁰ APP/R3325/W/20/3256703

- proposed mitigation involving an extension of existing woodland on the east side of the 'goyle'.
28. Given that both Stone Lane and Sock Lane form part of the Monarch's Way, a designated footpath from Worcester via Bristol and Yeovil to Shoreham, I accord walkers a high level of sensitivity. However, in many instances along both these lanes, views of the site are limited due to either local topography or the height of hedgerows which lie along the route. The selected viewpoints over gates and openings represent an exception to the prevailing kinetic experience of the footpath user.
 29. For example, VPt5 is a gap in the line of houses at the southern part of Stone Lane. Whilst the southern part of the site can be viewed this would be only a fleeting view for a walker on Monarch's Way. Significantly the housing on Mudford Road would in part frame the views of the site at this point and reduce the impact of the appeal scheme.
 30. This is a similar relationship to that of the proposed housing scheme at Tintinhull¹¹ where the existing housing along Thorne Lane on the scarp edge was identified as being dominant. Similarly, the existing properties on Mudford Road would have the same physical relationship to the housing proposed for the appeal site. Accordingly, the effects would be low adverse.
 31. In contrast to VPt5, views from VPt6 located at the end of housing on Stone Lane allow clear views over the central part of the site. Despite the extent of views from this VPT the effects would be moderate adverse for walkers given the distance from the lane to the site.
 32. VPt7 by the access to Stone Farm allows views of the site. However, these are more limited than at VPt6 given that the group of properties surrounding Stone Farm partially block views. For this reason, there would be low adverse effects.
 33. VPt8 lies around 150 metres further north with views directly towards the site. However due to the distance involved, the effects for walkers would be minor adverse. In contrast VPt9 is located beyond the northern edge of the site on Sock Lane by the entrance to the sewerage treatment works, but due to the local topography, the site would not be readily visible resulting in low adverse to negligible effects.
 34. VPt10 located towards the northern end of the ZTV affords a broader view to the site's southern edge. However, the bulk of the appeal scheme would be hidden by the folds in the topography resulting in low adverse-negligible effects. VPt11 located on Ashington Lane would allow views north towards the appeal site which would appear as part of a distant panorama from where there would be broken views of the proposed housing. The effects would be low adverse.
 35. VPt12 by Sock Cottages looks directly south towards the site enabling views of a large part of the appeal scheme. Its orientation limits the impacts of existing development along Mudford Road on the appeal scheme. This results in moderate adverse effects for the walker.
 36. VPt13 lies on Sock Hill. From this point parts of the site can be seen but framed by the existing properties along Mudford Road which due to their height

¹¹ CD6.6

- would still be the dominant element in the landscape at this point. This contrasts with the Frome appeal decision where there was no existing 'skyline' development. The significance of effects from this point would be low adverse.
37. VPt14 lies at the southern end of Sock Lane from where parts of the scheme would be visible. However due to the intervening distance the effects would be low adverse. VPt15 located to the east of the ZTV on Drovers Way which also forms part of the Monarch's Way, allows clear views of the northern and central sections of the proposed scheme. Despite the intervening distance between this viewpoint and the site, the appeal scheme would be clearly visible on the approach to Yeovil resulting in moderate adverse effects.
38. From VPts 16 and 17 located on the southern edge of Mudford Lane there would be clear views of the northern section of the appeal scheme for drivers and their passengers travelling westwards. The effects from here would be low adverse given their kinetic experience, the intervening distance and existing trees.
39. The site at Marston Lane, Frome¹² can be distinguished from the scheme before me as that site included a more intimate field pattern. There would have been a significant loss of hedgerows and the proposed housing would have compromised the ridgeline conflicting with specific policies aimed to prevent skyline development. The appeal scheme before me is significantly different with a different policy context informed to some extent by the outline scheme included in the allocated site at YV2¹³ to the east of the site. Although located in a different Landscape Character Area it presents a new context for consideration of development on the appeal site and undermines the Council's assertion that the appeal scheme would represent an isolated finger of development extending down the escarpment.
40. In summary, I find that the greatest impacts would be experienced by occupiers of those residential properties directly facing the site with lesser effects being experienced by footway users on Mudford Road. The effects would be limited for walkers along Monarch's Way due to the undulating topography and tall hedgerows which restrict views. In several instances the existing properties along Mudford Road and Stone Lane provide a 'built context' which further reduces the impacts of the appeal scheme.

Conclusions on Landscape Character and Appearance

41. The Council in its putative reason for refusal identifies a specific conflict with Policies SD1 and EQ2.
42. Whilst Policy SD1 re-iterates the statutory basis of planning decisions and the Framework's presumption in favour of sustainable development Policy EQ2 requires that local distinctiveness is to be respected with regard to local context and that landscape character should be preserved and enhanced.
43. The form of development suggested by the parameter plans would adversely impact on the undeveloped character of the site. These matters could not be fully mitigated. There would be adverse visual effects for the occupiers of residential properties directly overlooking the site but only limited adverse visual impacts for walkers along Monarch Way.

¹² APP/Q3305/W/22/3306827

¹³ ID 3

44. For these reasons, I conclude that overall, the appeal scheme would have moderate adverse landscape effects with limited visual effects but would conflict with Policy EQ2.

Other Matters

Somerset Moor and Levels Special Protection Area (SPA) and Ramsar

45. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I am required to undertake an Appropriate Assessment of the development on the basis of its Likely Significant Effects on the Somerset Moors and Ramsar/SPA.
46. The Ramsar/SPA is suffering from excess concentrations of phosphates leading to eutrophication which in turn suppresses the ability of invertebrates and plant life to grow. Natural England require that development within the catchment of the Ramsar/SPA which will be served by a wastewater system must demonstrate nutrient neutrality in line with its published guidance¹⁴. In response to these concerns the appeal scheme includes a treatment wetland designed as six basins acting as cascading wetlands referred to above which would be located at the northwest edge of the site.
47. This is designed to take the flow from a small tributary of Oakley Brook which runs along the northwestern edge of the site which would be treated by the scheme's SUDS through natural processes including sedimentation and absorption from aquatic plants and then returned to the watercourse. In turn this would flow into the Ramsar/SPA as a nutrient free water. Even with the application of a 'confidence percentage' of eighty percent, the scheme would produce sufficient mitigation of 24.04kg/pa to offset the 16.69kg/pa of phosphates per annum anticipated as likely to be generated by the scheme. There would be an excess of what is required as mitigation of 7.35kg/pa produced by the proposed SUDS scheme.
48. The proposed measures would mitigate the appeal scheme, either alone or in combination with other plans and projects, so that there would be no adverse effect upon the integrity of the Ramsar/SPA. The scheme was developed in collaboration with Natural England who have confirmed that they are satisfied with the proposed form of mitigation.
49. The mitigation would be secured and managed by covenants included in the S106 Agreement. These are consistent with Policy EQ4.
50. I am satisfied that each of these covenants fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 57 of the Framework.

Listed buildings and structures

51. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers, to have special regard to the desirability of preserving listed buildings or their setting. The Framework defines 'setting' as the surroundings in which a heritage asset is experienced.
52. Historic England's guidance (The Setting of Heritage Assets, Planning Note 3) advises that the setting itself is not a heritage asset. Its importance lies in

¹⁴ CD8.1 Nutrient Neutrality Advice 16 March 2022

- what it contributes to the significance of the heritage asset or the ability to appreciate that significance.
53. There are several listed buildings and a stretch of highway identified by the Turnpike Trusts and a listed milestone located beyond the boundaries of the appeal site.
 54. Stone Farm dates from the nineteenth century and is part of a group of historic farm buildings located around 250metres to the west of the appeal site. It has a predominantly rural setting derived from the fields which extend from the farmhouse to the western side of the 'goyle' and the appeal site which lies beyond the 'goyle'. This rural setting is limited in extent by the neighbouring housing on Mudford Road and Stone Lane.
 55. The appeal scheme would result in the loss of part of the building's historic rural setting although harm to its setting would be in part mitigated by the existing tree belt which forms the southern part of the 'goyle' and which it is proposed would be enhanced. In terms of the Framework the harm arising would be at the lower end of less than substantial.
 56. Sock Hill Cottages, located on Sock Lane are Grade II listed and date from the mid nineteenth century. They lie in a relatively isolated location around 150metres from the appeal site. The intervening topography means that intervisibility between the appeal site and the cottages is limited. Accordingly, the appeal scheme would not undermine the significance of these cottages.
 57. Several Grade II listed cottages lie to the north of the appeal site. Given a combination of distance, orientation and the lack of functional connection to the appeal site there would be no harm to their settings arising from the appeal scheme.
 58. There is a section of Mudford Road/Mudford Lane extending to the east which was 'turnpiked' under the Yeovil Trust in 1753. The appeal scheme would partially develop its rural setting. However, the effect of these changes would be limited in scale and the degree of harm would be at the lower end of less than substantial.
 59. A listed milestone lying due east of the appeal site, dates from the time parts of Mudford Road and Mudford Lane were a designated Turnpike. This comprises a 'ham' stone pillar with shaped iron plaque with a height of around 0.75 metres. Its significance is its vernacular form and historic siting in providing a way-marking function. Given that the route it relates to would be unaltered, and that the proposed development would not obstruct the functional use of the milestone or alter its rural setting the scheme would not be harmful to this designated heritage asset.
 60. The site lies around 20km from Glastonbury Tor which is just discernible from within the site on a clear day. Given the distance involved and the size of the appeal site the appeal scheme would not impact on the setting of this historic structure.
 61. I am satisfied that these buildings and structures do not have any direct historical relationship with the appeal site but that harm would arise to the setting of Stone Farm and the section of Mudford Lane which had been turnpiked but this would be at the lower end of the scale. The extent of harm requires further consideration against the public benefits arising from appeal

scheme as part of the heritage balance required by Paragraph 208 of the Framework. This is considered later in this decision.

Infrastructure

62. Interested parties expressed concern over the impact of the proposed scheme on social infrastructure including schools and health facilities. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
63. The completed S106 requires that 35% of the dwellings proposed are secured as affordable housing units with an appropriate mix in line with the Council's local housing needs; this includes provision for First Homes. This provision complies with Policy H3.
64. Other covenants in favour of the Council include the designation of public open space included in the LEAP and MUGA with trigger points for their implementation relating to the occupation of housing within the scheme. These provisions comply with Policy HW1.
65. The proposed highways works included in the Access Strategy (23037/PHL/01 Rev E) include the provision of controlled and uncontrolled crossing points on Mudford Road and Lyde Road with extensions of the footways. These provisions broadly adhere to Policies TA3, TA4 and TA5 which require new development to enable sustainable travel options.
66. The S106 Agreement includes covenants in favour of the Heath Authority of £428 per dwelling required to increase the capacity of local surgeries. The figures used by the Health Authority are included in formula and I am satisfied provide a rationale for the suggested funding package included in the S106 Agreement. This accords with Policy SS6.
67. Other covenants in favour of the Council include financial contributions of £721.18 per dwelling towards an off site changing room and £394.52 per dwelling towards off site playing pitches. Covenants require commuted sums towards maintenance costs of changing rooms (£239.47 and £58.02 per dwelling towards playing pitches and changing rooms respectively). A further £61.62 is to be allocated towards youth facilities. These requirements reflect the anticipated number of children likely to be future residents of the appeal scheme and are supported by Policy HW1.
68. Educational covenants in favour of the Council include a contribution to support the likely single child with special education needs of £101, 216. This would accord with Policy SS6 of the Local Plan. Other covenants in favour of the Council relate to a series of obligations designed to support sustainable travel options. These include a payment of £3,000 for a travel plan fee for monitoring purposes and £63,000 for safeguarding measures in line with its SPG¹⁵. These measures are consistent with Policy TA5.

¹⁵ Supplementary Planning Guidance

69. Other non-financial measures include the implementation of a SUDS in accordance with an agreed specification and maintenance scheme. This would be in line with a Policy EQ1.
70. The S106 Agreement includes a series of obligation regarding measures to mitigate for the harmful effects of phosphates generated by residential development on the Somerset Moors and Levels Ramsar and SPA arising from the appeal scheme. I address this matter in detail in the following section and I am satisfied that these measures are supported by EQ4 of the Local Plan.
71. The S106 includes the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. I am satisfied that each of these covenants fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 57 of the Framework.

Planning balance

The Development Plan

72. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.
73. Both main parties acknowledge that there is an undersupply of housing land. In these circumstances there is a presumption in favour of sustainable development as defined by the Framework. The test included in Paragraph 11d)ii. of the Framework applies to this case and requires that any adverse impacts of the appeal scheme would have to significantly and demonstrably outweigh the benefits.
74. The fact that policies are deemed as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 225, which amongst other things, states that the closer that local policies are to those in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date by reason of an inadequate land supply to still carry significant weight.
75. The single putative reason for refusal that remains between the parties identifies conflict with Policies SS1, SS5, SD1, YV1, YV2 and EQ2. I regard these as the most important policies for the determination of this appeal.
76. These policies are inter-related, with Policy SD1 broadly neutral in scope as it reiterates S38 (6) of the Planning and Compensation Act 2004 in how planning decisions should be taken. Policy SS1 directs housing development towards Yeovil as the main settlement. Policy SS5 amplifies Policy SS1 by directing housing to within the urban framework of the town and towards two Sustainable Urban Extensions (SUEs). Policy YV1 amplifies these policies directing 5,876 dwellings to within Yeovil's urban framework and 1,565 dwellings towards the SUEs.
77. In directing development to Yeovil or its planned extensions these policies are consistent with the policies of the Framework which support sustainable development.

78. Policy EQ2 sets out a range of criteria against which development proposals will be considered which is consistent with Paragraph 180b) of the Framework which recognises the intrinsic value of the countryside. Policy YV2 sets out requirements for each of the SUEs but given the site's location outside the SUE is not relevant to the issues raised by this appeal.
79. The appeal scheme conflicts Policies SS1, SS5, YV1 and EQ2 being located outside Yeovil's urban framework and not located within a SUE. The scheme results in adverse landscape and visual effects.
80. Accordingly, given the degree of consistency which I find between these policies and the Framework I accord considerable weight to the conflict between the appeal scheme and the policies of the development plan when considered overall.

Material Considerations

81. Set against this conflict are a range of important material considerations including the policies of the Framework which weigh in favour of the appeal scheme.

Housing

82. Of considerable importance is the Council's persistent failure over the last eight years¹⁶ to maintain a 5 year housing land supply which according to the Council is currently at around three years¹⁷ although the appellant identify that it is actually just below this figure at 2.9 years. This is a significant and chronic shortfall, even acknowledged as such by the Council¹⁸.
83. The appellant¹⁹ supplied evidence, uncontested by the Council, that housing supply has undermined the delivery of affordable housing. Since 2006 this has averaged at around 167 affordable dwelling per annum (ADPA) well short of the anticipated target of 227 ADPA. The appellant cites this shortfall as leading to a serious homelessness problem in Yeovil²⁰. This was not contested by the Council.
84. The inclusion within the appeal scheme of 164 market and 88 affordable homes would partially address these matters in line with the policies of the Framework and are therefore accorded significant weight.

Local Economy

85. The appeal scheme would have particular economic benefits derived from construction estimated at between 605-781 jobs.²¹ This figure was not contested by the Council.
86. Other economic benefits could be derived from the spending power of the new residents living in the appeal scheme. These would be significant because despite its location beyond the urban framework of Yeovil, the site lies within

¹⁶ SoCG Housing Land Supply

¹⁷ Ms Tadman presented oral evidence to the Inquiry that following publication of the Framework in December 2023, the removal of the 'buffer' reduced supply to between 2.98-3.1 compared to 3.29 years supply

¹⁸ Ms Tadman in Chief

¹⁹ Mr Kendrick PoE

²⁰ Mr Kendrick PoE

²¹ Mr Kendrick PoE

walking distance of local shops and bus services affording access to the centre²².

87. For these reasons I accept that the appeal scheme would benefit the local economy in line with Paragraph 85 of the Framework which I accord significant weight.

Location

88. Despite the site's location outside a SUE and Yeovil's framework the Transport Assessment²³ identifies that it is sufficiently close to existing shops and other services allowing for the implementation of a travel plan included in the S106 Agreement. This could support access to shops and services by a range of modal choice. This would limit the generation of private transport consistent with Paragraph 109 of the Framework.

89. I accord this matter moderate weight.

Phosphate Mitigation

90. The proposed phosphate mitigation included would generate around 7.35kg surplus to that required for the appeal scheme. This 'credit' could support the development of additional housing which in turn could further address the Authority's chronic housing undersupply.
91. However, whilst there would be some value to the credit in how it may be used to partially overcome a local constraint on housing supply the critical matter is how the phosphate mitigation meets the tests included in Paragraph 57 of the Framework for this scheme. The fact that this exceeds what is necessary for the appeal scheme has value but not the degree to which the appellant accords it.

92. For this reason, I accord only moderate weight to this matter.

Biodiversity Net Gain (BNG)

93. The appeal site would through the suggested mitigation result in a BNG of around 24%. However, there is no requirement for this scheme to deliver a Biodiversity Net Gain of just 10% given the date of submission of the original application for planning permission. The fact that there would be an anticipated BNG as suggested by Paragraph 186d) of the Framework is noted as a benefit of the scheme to which I accord moderate weight.

Heritage Balance

94. The heritage assets include the listed buildings and structures around the appeal site that need consideration in the Heritage Balance.
95. I find that the appeal scheme would lead to less than substantial harm to the setting of Stone Farm and length of the 'Turnpike' as designated heritage assets. The harm would be less than substantial and lies within the low range of that scale of harm and accordingly, I find that the extent of harm would be overcome by the social, economic and environmental public benefits included in the appeal scheme. These include the provision of market and affordable

²² CD 4.3e

²³ CD4.3e

housing, job creation and increased spending power and improvements in biodiversity. in a location which could enable access to shops and services by a choice of transport modes.

Conditions

96. I have considered the suggested conditions in light of the related discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the schedule below reflect that discussion, although I have amended a number to make them more concise, precise and enforceable.
97. In addition to the standard conditions relating to outline schemes, it is necessary, in order to provide certainty, to identify the plans to which the decision relates, but only insofar as they relate to the matter of access (Conditions 1-4).
98. The parameter plan of the proposed scheme informed the evidence to the Inquiry. In order to ensure that the development would not give rise to environmental or other impacts any greater than those already assessed within the Environmental Statement and other evidence, a condition is necessary to secure compliance with those parameters (Condition 5).
99. Other conditions are imposed to ensure Highway Safety (6 and 7) in line with Policy TA5. I have deleted Condition 6, as originally drafted, as this is covered in Condition 7 as the installation of cycle parking can be addressed through the submission of details for each phase of development. I have imposed Condition 8 in respect of construction management activities to protect highway safety.
100. Given the environmental importance of Phosphate Mitigate (Condition 9), I have imposed a planning condition to ensure the delivery of the scheme of mitigation required to address the phosphates likely to arise from this scheme.
101. In order to protect the living conditions of surrounding properties I have imposed Condition 10 in respect of the requirements for a construction management plan to minimise the impact of construction activities.
102. In accordance with Paragraph 167 of the Framework, details of a sustainable surface water drainage scheme are required (Condition 11), together with details for its management. This is essential to ensure that the scheme continues to perform as intended, in order to avoid pollution and to prevent increased risk of flooding.
103. Given the potential archaeological interest of the site, further on-site evaluation is required, pursuant to Paragraph 200 of the Framework (Conditions 12 and 13). I have also imposed a Condition 14 in respect of the location of dwellings in relation to the cascading water features (REF: 190812 SK 007) given the potential for fly infestation derived from the location of the sewerage treatment works on the north western edge of the appeal site.
104. I have not imposed the suggested condition requiring the submission of a landscaping scheme, since landscaping is one of the reserved matters and any scheme would, by virtue of one of the other conditions, need to comply with a strategic landscape plan to be submitted.

Conclusions

105. Whilst I accord significant weight to the conflict between the most important policies and the appeal scheme the actual harms arising are limited in scale and extent. Furthermore, the scheme includes a range of benefits which outweigh the harms arising.
106. The Council's settlement strategy acknowledges the central importance of Yeovil. However, the landscape surrounding Yeovil includes a significant array of constraints²⁴ which include historic parks and gardens, flood risk areas and local wildlife sites which limit the potential for its growth as required by policy. The appeal scheme would allow development on land which has a moderate sensitivity to change and whilst its development would result in some adverse impacts these would be limited in extent.
107. There has been a chronic shortfall in housing land in recent years and the appeal scheme would increase the supply of both market and affordable housing.
108. Furthermore, despite the location of the site outside the urban framework of Yeovil it lies sufficiently close to shops and services to allow access by a range of transport modes. This moderates the degree of conflict which I find between the appeal scheme and the settlement policies.
109. The appeal scheme would lead to economic benefits through employment opportunities and increased spending power in shops and services. Other benefits include the increase in BNG and improvements to woodland.
110. In respect of the appeal scheme's transport impacts, a matter consistently raised by interested parties, I find that the Access Strategy would serve to mitigate concerns over existing highway safety issues through controlled and uncontrolled crossing points and additional footways. The Highway Authority had no objection to the scheme.
111. Whilst the site's development would result in the loss of BMV agricultural land the surrounding area includes large tracts of Grade 1 and 2 land. The economic arguments in favour of the site's retention are outweighed by the benefits arising from its development.
112. Paragraph 11d)ii of the Framework requires that where the most important policies are out of date that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework when taken as a whole.
113. I conclude that the benefits of the appeal scheme would significantly and demonstrably outweigh the harm identified when assessed against the policies of the Development Plan, when taken as a whole. As such the proposed development benefits from the Framework's presumption in favour of sustainable development.
114. The appeal is allowed and planning permission is granted.

Stephen Wilkinson, INSPECTOR

²⁴ CD6.4 Slides for officer presentation on YV2

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Application(s) 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.
3. Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced and the development shall be carried out as approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan (Ref: 190812 L 01 02 A)
Access Plan (Ref: Ref: 23037/PHL/01 Rev E)
5. The reserved matters applications shall be in accordance with the approved parameter plan (ref: 190812 SK007 C) in respect of land use and building heights.
6. The proposed roads, including 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 footway and carriageway to at least base course level between the dwelling and existing highway.
7. No development on the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority. 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:
 - a) estate roads
 - b) footways
 - c) tactile paving
 - d) cycleways
 - e) retaining walls
 - f) vehicle overhang margins
 - g) visibility splays
 - h) carriageway gradients
 - i) drive gradients
 - j) car, motorcycle and cycle parking
 - k) hard and soft structural landscape areas,
 - l) pedestrian and cycle routes and associated vehicular accesses and crossings,
 - m) all new junctions,
 - n) proposed levels
 - o) bus stops and lay-bys or alternative facilities,
 - p) highway drainage

- q) swept path analysis for a vehicle of 11.4m length
- r) central pedestrian reserves, bollards and lighting, and
- s) an estate street phasing and completion plan setting out the development phases and completion sequence by which the estate streets serving each phase of the development will be completed.

The development shall then be carried out in accordance with the approved details and the approved estate street phasing and completion plan.

8. No development shall commence, 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:
- a) A construction programme including phasing of works;
 - b) 24 hour emergency contact number;
 - c) Hours of operation;
 - d) Expected number and type of vehicles accessing the site:
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;
 - Phasing of works;
 - e) Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling;
 - f) Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
 - g) Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - h) Locations for storage of plant/waste/construction materials;
 - i) Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - j) Arrangements to receive abnormal loads or unusually large vehicles;
 - k) Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - l) Any necessary temporary traffic management measures;
 - m) Measures to protect vulnerable road users (cyclists and pedestrians);
 - n) Arrangements for temporary facilities for any bus stops or routes;
 - o) Method of preventing mud being carried onto the highway;

p) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

9. Details of the proposed Constructed Treatment Wetland, as referenced in 'Technical Note 3 Rv3: Wetland Feasibility Assessment', 'Technical Note 4 Rv3: Wetland Framework Assessment' and 'Technical Note 1 Rv4: Nutrient Assessment' (Brookbanks, April 27th 2023) shall be provided with the first Reserved Matters Application, demonstrating the design effectiveness of the wetland in removing the required phosphorus budget to ensure the development achieves nutrient neutrality. The details submitted shall also include a programme of implementation. No development shall commence until these details have been approved in writing by the Local Planning Authority and implementation shall be in accordance with the details approved.

10. To prevent pollution during construction, no development shall commence until a scheme for the prevention of pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of the following:

- a) Site security.
- b) Fuel oil storage, bunding, delivery and use.
- c) Method statement identifying how both minor and major spillage will be dealt with.
- d) Containment of silt/soil contaminated run-off.
- e) Disposal of contaminated drainage, including water pumped from excavations.
- f) Site induction for workforce highlighting pollution prevention and awareness.
- g) Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

This needs an implementation clause

11. No development shall commence until a detailed surface water drainage scheme, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water run-off post development is attenuated on site and discharged at a rate and volume no greater than greenfield run-off rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- a) Details of phasing (where appropriate).
- b) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- c) Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- d) Flood water exceedance routes both on and off site, to require that no part of the site will flood during any storm up to and including the 1 in

30 event and that flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

12. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of heritage assets identified, 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 WSI.
13. No building works shall commence until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with the Written Scheme of Investigation approved under Condition 12 and financial provision made for analysis, dissemination of results and archive deposition has been secured.
14. No dwellings shall be located within 150m of any permanently wet pond feature located within the 'Wetland/ phosphate mitigation' area that is defined on the parameter plan (ref: 190812 SK 007).

END OF SCHEDULE

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Robson of Counsel

He called

Mr C Potterton CMLI

Ms R Tadman MRTPI

Director Potterton Associates Ltd

Director of Tadman Planning Consultants Ltd

FOR THE APPELLANT:

Mr S Choongh of Counsel

He called

Mr J Berry CMLI, AIEMA,
M.Arbor.A

Mr M Kendrick MRTPI

Director, Tyler Grange Group Ltd

Director, Grassroots Planning

INTERESTED PERSONS:

Ms D Newman

Local Resident

Inquiry Documents

ID1	Appellant's openings
ID2	Council's openings
ID3	Plan of allocations and permitted sites
ID4	Draft S106 Agreement
ID5	NCA Yeovil escarpment
ID6	Draft conditions
ID7	Note on phosphates with Appendix received 25 January 2024
ID8	Council closings
ID9	Appellant closings

Documents submitted after the Inquiry closed

Completed S106 Agreement

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Appeal Decision

Site visit made on 16 January 2024

by **Mr Pinto BA, MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Appeal Ref: APP/E3335/W/23/3328175

Land OS 8565 West of Pilgrims Way, Lovington, Castle Cary, Somerset, BA7 7PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr. J Farthing, Brue Farms Ltd against the decision of Somerset Council.
 - The application Ref is 21/00502/OUT, dated 10 February 2021, was refused by notice dated 30 June 2023.
 - The development proposed is outline application with all matters reserved except for access and layout for the erection of 2 No. dwellings (self-build) and improvements to access and construction of footway.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development included in the Council's Decision Notice as it more accurately reflect the proposed development.
3. The appeal is for outline planning permission, with all matters reserved expect for access and layout. The details submitted with the application include, but not limited to, Existing Site Survey (Ref: 20108-1), Proposed Site Plan (20108-3 C), Location Plan (20108-5), Indicative Proposed Street Elevation (11794 04) and Tree Protection Plan (October 2019). On all other matters but access and layout, I have considered these documents as a useful guide as to how the site might be developed but taken these are purely indicative.
4. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. I have taken this into consideration as part of my decision. However, there are no material changes relevant to the substance of the appeal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site, referred to as 'Land West of Pilgrims Way, Lovington', is located on the edge of the village of Lovington and it consists of land part of a larger agricultural field situated along the northern side of the B3153, adjacent to number 8 Pilgrims Way. The appeal site includes a public right of way

- (PROW) which passes through the site diagonally and connects the existing B3153 road to the edge of the River Brue.
7. The proposal is for the construction of 2 self-build dwellings, accessed via an existing field gate positioned behind an established vegetation screen, which is proposed to be retained. The Appellant also proposes the construction of a short length of pavement along the road frontage which will link into the existing PROW, providing safer access.
 8. The site is in a prominent location, at the entrance of the village, and clearly visible from several different vantage points within public land. The character and appearance of the surrounding area is defined by large agricultural fields punctuated by some dispersed development, giving the area its distinctive rural, open and verdant character.
 9. Although there are some examples of ribbon development along the B3153, these are located further east from the appeal site, closer to the heart of the village and past the existing village pinch-point which does, visually and physically, contain its development. Consequently, I find that the appeal site is more readily linked to the rural, open and verdant area that lies to the west of this pinch-point which marks and contains the development of Lovington.
 10. Although the proposed development would be set back from the road and partially screened by existing established vegetation, it would still be clearly visible from surrounding open agricultural fields.
 11. The Appellant states, in paragraph 6.7 of its Grounds of Appeal Statement, that the proposed development extends no further west than the property directly opposite (Sunny Holme). From my site visit and the evidence provided, this is not the case as the main dwelling for Sunny Holme is located directly opposite the proposed access to the appeal site and does not extend the whole length of its plot. Consequently, although the proposed development would not extend further west than Sunny Holme, the proposed built form would. This would constitute a significant and material change to the character and appearance of the area.
 12. Policy EQ2 of the South Somerset Local Plan 2006-2028 (Local Plan) seeks to ensure that development is of high quality, promotes local distinctiveness and preserves and enhances the character of the area. Taking into consideration the prominent location of the appeal site and the rural, open, verdant character and appearance of the area, I find that the proposed development would not promote local distinctiveness and would fail to preserve or enhance its character and appearance.
 13. Furthermore, the proposed development would be highly visible from the nearby public footpath which crosses the appeal site. PROW users have high susceptibility to change and therefore, the proposed significant increase in built form and sense of enclosure would be quite impactful to those users and not in keeping with the rural outlook and sense of openness that dominates the character and appearance of the surrounding area.
 14. Although it is recognised that the mature hedging along the boundary of the appeal site with the B3135 and the western boundary of the site would provide some modest screening of the site from the road and the PROW, the proposed

development would still be clearly visible from public land as one approaches Lovington.

15. I therefore consider that the proposal would fail to reinforce local distinctiveness and fail to preserve and enhance the character of the surrounding area as well as the wider landscape. As such, it would be in conflict with LP Policy EQ2 which aim to protect against such harm.

Planning Balance

16. The Council, in its Statement dated from the 19 December 2023, confirms that it cannot demonstrate a five year housing land supply (HLS) for the south area. This matter is not disputed by any of the parties. The suitability of the site of the proposed development, in principle, for residential development in accordance with Paragraph 11(d) of the Framework is not a matter of dispute either. Consequently, a presumption in favour of sustainable development and granting permission applies, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
17. I am mindful of the benefits of the proposal. The proposed development would make a modest, albeit important, contribution to the supply and mix of housing in the area. In addition to this, the proposal would also result in the construction of a new public footpath creating a safer and more convenient link between the existing PROW and the wider village. Finally, the development would also bring some economic and social benefits to the area, mostly from the construction and subsequent occupation of the proposed development. Due to the scale of the proposed development, these benefits would be modest, but nevertheless positive. Consequently, and as a whole, I attribute moderate weight to these benefits.
18. However, these benefits would have to be balanced against the harm identified.
19. For the reasons set out above, I have found that the proposed development would cause harm to the character and appearance of the area, which would be in conflict with Local Plan Policy EQ2. It would therefore conflict with the development plan as a whole. Overall, considering the prominent location of the appeal site, its level of visibility from a wide area and the permanence of the proposed development, I find this harm to be significant and, consequently, it would significantly and demonstrably outweigh the benefits identified.

Other Matters

20. Although Policy SS2 of the Local Plan is included in the Council's original decision, a conflict with this policy is not referenced in the Council's Comments on the Appellant's Statement of Case or in his Grounds of Appeal Statement. In addition to this, the Officer's report recognises, in relation to policy SS2, that in light of the Council not being able to demonstrate a five year housing land supply, the principle of the proposed development is considered acceptable, dependent on other material considerations. Therefore the Council does not appear to be relying on this policy as part of their reasons for refusal. Consequently, I have not found it necessary to come to a conclusion on this matter in order to determine this appeal.

Conclusion

For the reasons set out above, I conclude that the appeal should be dismissed.

Mr Pinto

INSPECTOR