

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - SOUTH

Tuesday, 14 November 2023 at 2.00 pm

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

To: The members of the Planning Committee - South

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

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

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

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **12noon on Monday, 13 November 2023** by email to democraticservicessouth@somerset.gov.uk. Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

This meeting will be recorded and then uploaded to YouTube following the meeting.

Members of the public are welcome to attend the meeting.

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

Issued by David Clark, Monitoring Officer (the Proper Officer) on Friday, 3 November 2023.

AGENDA

Planning Committee - South - 2.00 pm Tuesday, 14 November 2023

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

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting

To approve the minutes from the previous meeting.

The minutes document will be published separately 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 Wednesday 8 November 2023.

5 Planning Application 18/01311/OUT - Land OS 4538, The Pound, Broadway Road, Broadway, Ilminster. (Pages 11 - 52)

To consider an outline planning application with all matters reserved aside from access for the erection of up to 35 dwellings and associated works (resubmission of 17/04239/OUT).

6 Planning Application 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe. (Pages 53 - 138)

To consider an outline planning permission with all matters reserved except for access, for up to 140 dwellings (use class C3), public open space, landscape planting and biodiversity enhancements, vehicular access from Bowden Road, community use (flexible use class E, F1 and/or F2), and associated infrastructure works.

7 Appeal Decisions (for information) (Pages 139 - 144)

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.

Officer Report On Planning Application: 18/01311/OUT

Proposal :	Outline planning application with all matters reserved aside from access for the erection of up to 35 dwellings and associated works (resubmission of 17/04239/OUT).
Site Address:	Land OS 4538 The Pound, Broadway Road, Broadway, Ilminster, Somerset
Parish:	Broadway
ILMINSTER Division	Cllr Val Keitch Cllr Sue Osborne
Recommending Case Officer:	Deborah McCann (Specialist)
Target date :	25th July 2018
Applicant :	Mr Nick Warfield
Agent: (no agent if blank)	Alder King Planning Consultants, Pembroke House, 15 Pembroke Road, Clifton, Bristol BS8 3BA
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO PLANNING COMMITTEE - AREA SOUTH

This application was brought to Committee in July 2023 as an update to Members following the resolution to approve this application at the Regulation Committee (of the former South Somerset District Council) meeting of 15 January 2019. As recorded within the minutes of the meeting, Members unanimously resolved to approve the application *"...as per the officer recommendation detailed in the agenda report, and subject to a meeting with Wessex Water prior to the planning decision notice being issued. The meeting with Wessex Water being to discuss and understand their action plan regarding Wessex Water's legal obligations regarding the development at the site"*.

Since then, Broadway Parish Council has issued a statement indicating they would challenge the Council's decision on the grounds that it considers the Planning Committee South acted *ultra vires* of its powers in resolving to grant consent without considering all changes in circumstance since the decision of the Regulation Committee of South Somerset District Council to grant consent in January 2019. The Parish Council raised a number of issues that it believed to be relevant to the decision-making process that were not covered by that report. This update report reviews the submissions made by the Parish Council and assesses their relevance to the decision-making process.

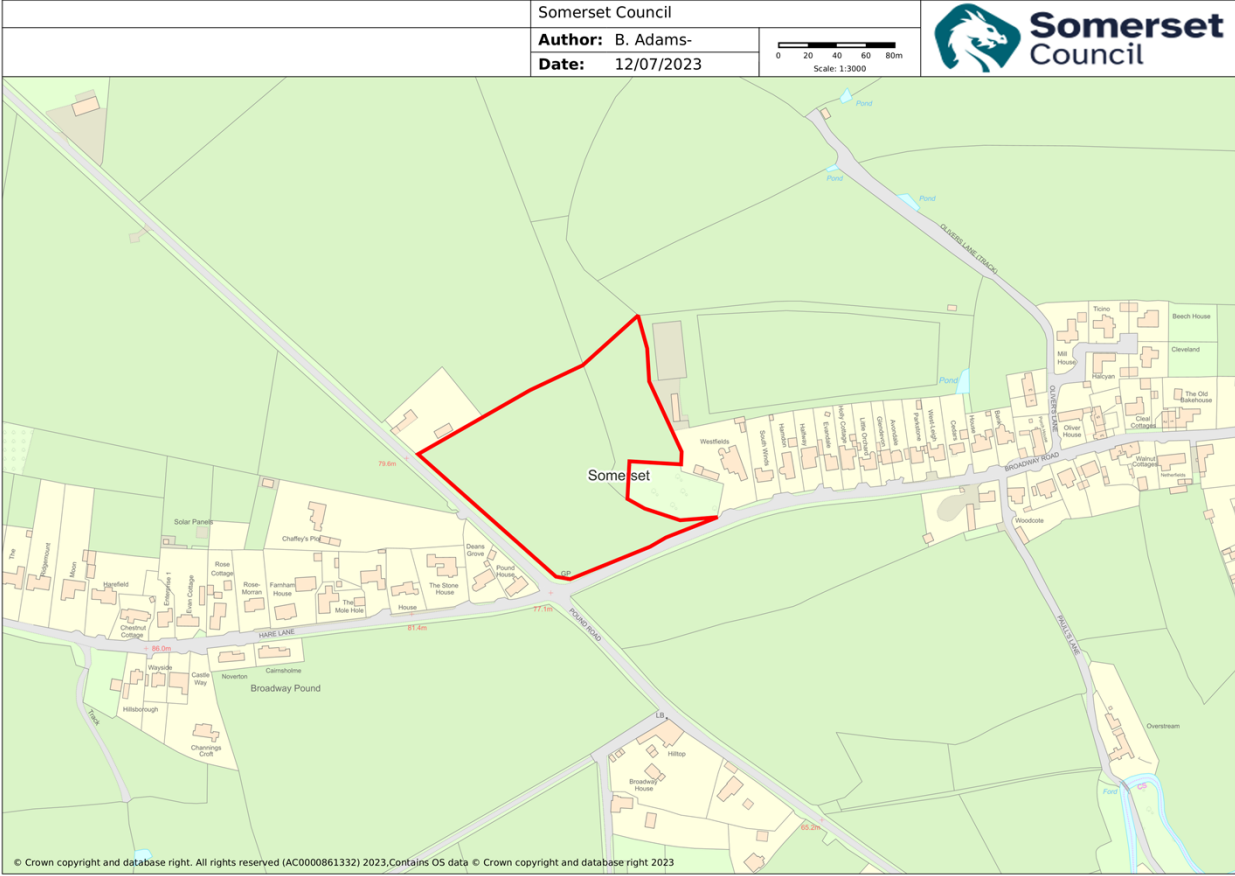
As such, this application is brought back to Committee, with this update report and a copy of the original 2019 Committee Report appended to it, for completeness. This

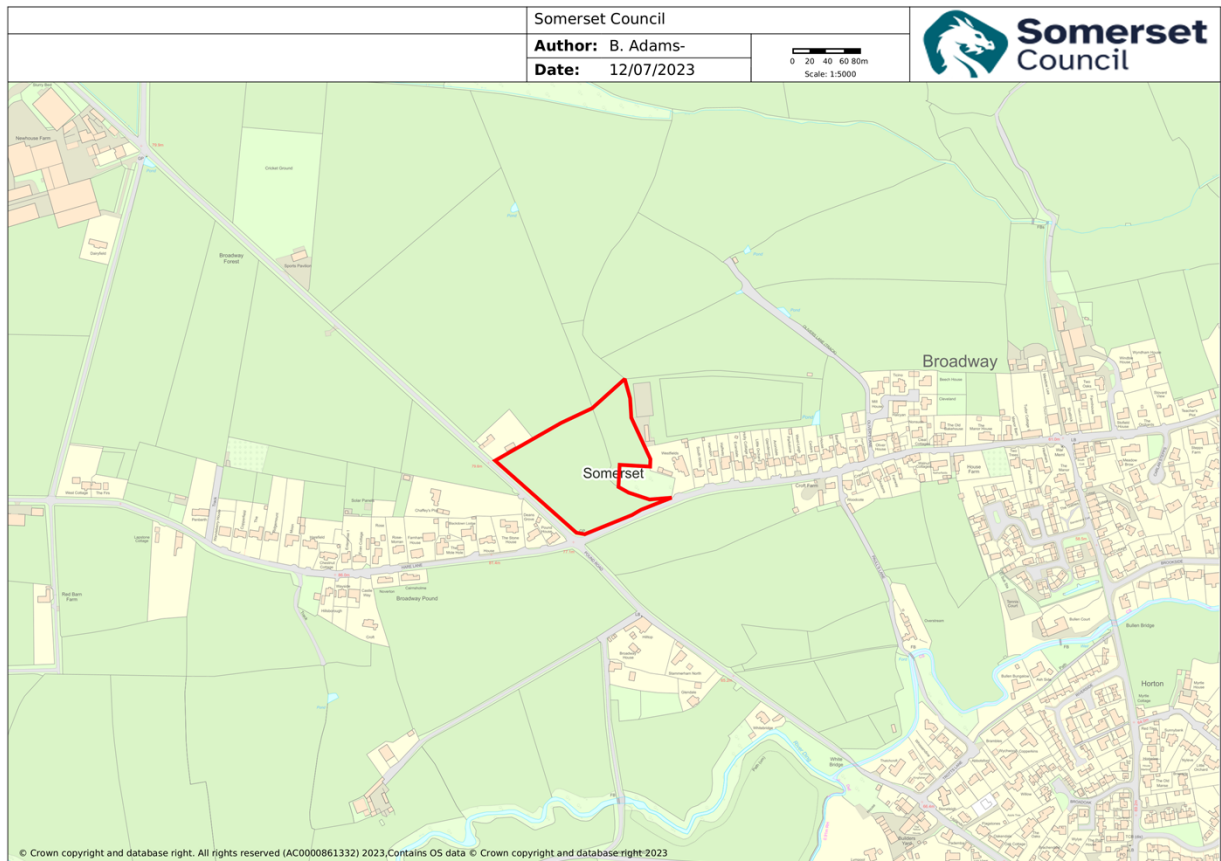
update Report outlines any changes in circumstance since the original 2019 Regulation Committee resolution and has been updated since it was reported to Committee on 25th July 2023 to respond to comments raised by the Parish Council.

It is also relevant to note that since the recent (25th July 2023) Committee, the Council published its updated Housing Land Supply Statement in October 2023, which results in a further reduction from 3.7 years to 3.29 years.

SITE DESCRIPTION AND PROPOSAL

Site Description





The site is located towards the north western side of Broadway, on the northern side of Broadway Road at its junction with Pound Road. The site comprises 1.73 hectares and is currently grassed and has been used to graze sheep. Mature hedgerows run around the boundary of the site along with a number of mature trees. A woodland copse is located to the south eastern corner. Residential properties front Broadway Road to the east of the site with 1 property adjoining the site. Additional residential properties then continue along Hare Lane to the west of the site on the other side of Pound Road. Fields adjoin the site to the north with a further field to the south.

Proposal

The application seeks outline consent for the erection of up to 35 dwellings with only access being sought for approval at this stage. All other detailed matters in regard to layout, scale, appearance and landscaping will be submitted at any subsequent reserved matter stage. This application follows a previous outline application for 46 dwellings which was withdrawn following concerns raised in regard to the scale of development, harm to the character and appearance of the area, harm to ecological interests, impact on trees, and highway and pedestrian safety issues.

This scheme will provide 35 dwellings of which 35% (i.e 12 units) will be affordable units, including First Homes. A range of 2, 3 and 4 bed units will be provided along with five bungalows. The indicative layout plan, which shows how the site could be developed, was amended during consideration of the original application pulling dwellings away from the full extent of the northern boundary.

The existing boundary hedgerows and trees will be maintained other than a small section of hedgerow removal to provide the access point from Broadway Road and the internal road to serve the properties in the smaller field. Additional supplemental planting will also be undertaken in certain sections both within and along the boundaries of the site. An attenuation pond will be located in the north east corner of the site along with a bat roost.

The small copse to the south east, whilst outside of the application site, will be retained and maintained by the applicant who is the current owner, as a landscape feature and for ecological benefit.

POLICY

The local planning policy context for the application has not changed with regard to the South Somerset Local Plan and the Parish does not have a Neighbourhood Plan.

However, the National Planning Policy Framework (NPPF) has been updated since the original Committee Resolution, with an updated NPPF published in 2021.

The most relevant chapters are:

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

REPRESENTATIONS

NB: Representations received prior to the 2019 Regulation Committee are summarised within the original Committee Report, which is appended to this update report.

Since the July 2023 Committee meeting, Broadway Parish Council has issued a statement indicating it would challenge the Council's decision on the grounds that it considers the Planning Committee South acted *ultra vires* of its powers in granting consent without considering whether there had been changes to circumstances which would have been material to its decision since the decision of the Regulation Committee of South Somerset District Council to grant consent in January 2019. The Parish Council considers that the Committee should consider the application afresh, taking into account all material considerations. A summary of the points raised, and where necessary, the Officer's response to each point is set out below:

- The Committee's decision was *ultra vires* and liable for legal challenge in ignoring changes in circumstances.
[Officer Response: This Update Report outlines changes in circumstances since the original 2019 Resolution. A copy of the original Committee Report was available on the Council's Planning Register, but a copy has now been appended to this report]
- At the Committee meeting the Parish Council raised concerns regarding potential impact on sewer infrastructure and connection of the waste water discharges. It was requested the meeting was deferred a decision until these discussions have taken place.
- Planning Officer's Report did not consider whether there had been any changes to Government Policy other than those relating to ecology. Debate at the Committee meeting focussed almost entirely on Parish Council's request for a postponement. Members did not ask questions about changes in circumstances which may have been material to consideration.

The Parish Council outlines a number of matters it considered should have been taken into account:

- Relevant planning decisions, 3 of relevance are cited, as being similar to that proposed. It is necessary for LPA's to demonstrate consistency and relevant where similar material considerations, particularly where applications are on nearby sites or adjoining settlements where social and economic infrastructures are mutually available/interdependent:
 - 20/00824/FUL: 9 houses at Pound Road, Broadway - refused 13 May 2020) and dismissed at appeal on 6 January 2021.

[Officer Response: The appeal decision, at para 9 specifically discusses the Pound Road site and its differences with the appeal scheme so in the LPA's view, it does not act as a "precedent". The appeal decision states "*...situated on the other side of Pound Road, that scheme would be closer to Broadway, which extends in a broadly linear form along Broadway Road towards that plot. I observed on my site visit that it therefore has a different context and*

character and reads as more related to Broadway than the appeal site. Accordingly, the potential development of that plot does not indicate that the appeal proposal – which I have considered on its merits based on the submitted evidence – would be acceptable”

- 20/03277/FUL: 49 houses at Broadway Hill, Horton – refused 24th May 2023

[Officer response: This was a Committee decision, which was an overturn of an Officers recommendation for approval and it is understood the refusal will be appealed. An amended planning application has been submitted (23/01649/FUL) which is pending consideration.

- 19/03070/FUL: 28 houses to on land to the rear of the Bell Inn, Broadway Road – planning permission granted.

[Officer response: The original outline application 15/04866/OUT was refused but allowed on appeal. There is a concurrent reserved matters application (21/01364/REM) running alongside the full application. The outline appeal decision was issued on 19th May 2017, and therefore had established the principle of residential development at the site prior to the initial (Regulation Committee) determination of the application at The Pound. Whilst the development at the Bell is being promoted by both a full and reserved matters application, the position has not changed between the initial committee resolution and today, that this is an approved housing site.

By way of background and for clarification, the original outline application form stated that application was for *“Outline application for residential development with associated vehicular access arrangements”*.

The former Council (SSDC) revised the description of development to read: *“Outline application for residential development (for up to 25 No. dwellings) with associated vehicular access arrangements, relocation of parking for Norbeth and The Bell Inn and creation of a pub garden.”*

The appeal Inspector used the appellant’s description of development *“The development proposed is residential development with associated vehicular access arrangements”* and did not apply a limit on housing numbers.]

- Somerset Council’s Climate Emergency – Officer’s updated report does not refer to the climate emergency report, as the Parish Council believes it should. In particular whether an increase of 10% of number of dwellings (and associated vehicle journeys) would work with or against the Council’s plans to tackle the climate emergency.

[Officer Response: The planning system operates a principle in favour of sustainable development, and the Local Plan and its associated policies have been drafted to reflect this. Likewise, the NPPF is a material consideration.

The adopted Local Plan recognises that South Somerset is a predominantly rural setting within which development at a hierarchy of settlements will be required to deliver the overall housing requirement. Broadway is relatively well served by facilities compared to a number of villages which, for the purposes of policy SS2 are considered suitable for development. The Climate Emergency does not overwrite the Local Plan, nor does it create a new development strategy where development only goes to the largest communities with the most facilities. The Council needs to deliver a sufficient supply of houses, with the Council's current 5 year housing land supply (5YHLS) considerably below 5 years, at 3.29 years (as published in October 2023).

Whether or not the site is in a sustainable location is one of the main considerations in assessing applications for new housing, with policy SS2 setting out specific criteria to be met. Other factors to consider, are the provision of electric vehicle charging points (which has now been added as a condition), the enhancement of biodiversity (a requirement for a Biodiversity Enhancement Plan is conditioned) and ensuring an appropriate surface water drainage system (as is also conditioned). There are also Building Regulation requirements in terms of energy efficient construction, water efficiency etc.

It is likely that the future Somerset Local Plan will go further in terms of the Council's response to Climate Change, and reflect national policy and guidance as it progresses.

It is also relevant that the Levelling up and Regeneration Act, which recently obtained Royal Assent, has not kept the Lords request for climate change to be a factor in decision making, but will keep it as an issue for policy making.]

- Affordable housing – when combined with the 2017 St James's Close, the Committee should have considered whether 27 affordable houses in a village with housing stock of 350 was an over-provision, with the only effect of which would be to attract people with no connection to the village, thus reliant on car journeys.

[Officer response: There has been a consistent under-delivery of affordable housing across the Plan period, so there is a particular need for affordable housing across the Authority. The policy requirement is for 35% to be affordable dwellings, with the NPPF requiring at least 10% of overall housing numbers to be First Homes. When this application was first taken to Committee (in 2019) there was no First Homes requirement.

Within the affordable housing tenure split, there will be mix of social rented, as well as those which are available to first time buyers at a discounted rate (First Homes), which will hopefully help those local to the area stay in the area. A proportion will also be available as shared ownership.]

- Increase in the use of cars. While Broadway has grown in size, the number of businesses has declined, converting Broadway into a dormitory settlement. This is an outcome directly opposite the one required by the Council's climate emergency report and Local Plan.

[Officer Response: The sustainability of the settlement has been considered, in line with the current Local Plan policies. An increase in residents, is likely to help support/sustain existing (and new) businesses.

It is also the case that nowadays (and particularly since Covid) many people tend to work more flexibly, working from home on a regular basis, which reduces the amount of daily in/out commuting. Likewise, people rely much more on online deliveries for food, clothes and other provisions, with delivery drivers delivering to multiple households/businesses within a similar area, thus reducing individual trips.]

- Sustainability – policies SS1 and SS2 should be applied on basis of the particular circumstances of the rural settlement concerned and not applied generally. This has not been considered adequately. Previously consented schemes has put pressure on Neroche Primary School. This and closure of GP practices in Ilminster will increase patient numbers. Committee should have been invited to consider whether increase would be appropriate in the light of the pressure it will impose on services in the village.

[Officer Response: The Local Education Authority has confirmed more recently on other applications that there is no need for early years or primary contributions for school in the areas, as there is capacity in the schools to accommodate new children. Likewise, the NHS has confirmed that GP surgeries within the catchment currently have sufficient infrastructure capacity to absorb additional development.]

MAIN CONSIDERATIONS

5 Year Housing Land Supply - update

When the application was approved by the Regulation Committee in January 2019 it was acknowledged that the Council could not demonstrate a 5-year housing land supply (at the time it was 4 years).

The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. The most recent supply statement (published after the 25th July committee meeting, in October 2023), outlines that the supply position for the Somerset South Area (the former SSDC) has reduced further from 3.7 years to 3.29 years. As a result, the tilted balance and the presumption in favour of sustainable development set out in the NPPF is engaged, with an even greater shortfall in the housing land supply than when the application was last considered.

In determining the principle of residential development in this location, it is noted that the presumption in favour of sustainable development and how this should be applied to planning decisions is set out in paragraph 11 of the NPPF (2021). At 11 (d)(ii), the Framework states that where the policies most important for the determining of the application are out of date, planning permission should be granted, unless *"...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole"*. At footnote 8 it is confirmed that a failure to demonstrate a five-year supply of housing (with the requisite buffer set out in paragraph 74) will render policies relevant to delivering housing out-of-date. Where policies are rendered out of date, the weight to be attached to those policies and any potential conflict may be more limited.

Somerset Levels and Moors Ramsar - Phosphates

In August 2020, following the 2019 Regulation Committee meeting, but prior to the issue of the decision notice, Natural England advised that in the light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, planning applications that give rise to additional phosphates within the catchment should not be determined until competent authorities have undertaken a Habitats Regulation Assessment (HRA) to confirm the development will not have a significant effect. As a result, this delayed the application in coming forward for determination until an appropriate proposal and mitigation measures could be agreed.

The proposed mitigation strategy is to update a septic tank that serves four dwellings with a Package Treatment Plant (PTP) and build a pond/ sustainable urban drainage system (SuDS) feature that will remove surface water run-off from the Waste Water Treatment Works (WwTW).

The shadow Habitats Regulation Assessment (sHRA) provided by HalpinRobbins (09 June 2023) demonstrates that the development will result in an increase of 3.02kgTP/yr to the catchment (post AMP7 upgrades to the WwTW). To mitigate for this increase, the applicant will upgrade an existing septic tank to a Graf One2Clean

Package Treatment Plant PTP within the same catchment. The septic tank upgrade will provide a reduction of 3.73kgP/yr which is sufficient to mitigate the construction of the proposed dwellings, provided the development is not occupied until after antimicrobial (AMP 7) upgrades have been implemented.

As the tank is compliant with current regulations and is considered to contribute to the nutrient load of the Somerset Levels and Moors catchment and is considered a viable mitigation option.

Somerset Ecology Services (SES) raises no objection and has formally endorsed the sHRA.

Based on the above, SES concludes that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation (confirmed by Somerset Ecology Services adoption letter) subject to the following Section 106 provisions and conditions being secured.

Natural England was consulted on the submission of the shadow HRA and have raised no objection subject to appropriate mitigation being secured.

At the recent Committee Meeting, the Parish Council raised concerns regarding the capacity of existing infrastructure to accommodate foul sewerage. It was explained that the matter is the responsibility of Wessex Water to ensure there is sufficient capacity on the network and it falls outside the planning process. It is also noted that the AMP 7 wastewater treatment work upgrades required by has provided sufficient certainty for Natural England. However, to aid the Parish Council's understanding of matters, a meeting has been arranged with Wessex Water, the Parish Council and the LPA in early November to. An update will be given to the Committee verbally if required.

Ecology

The protected species surveys identified that the boundary hedgerows are used by bats, dormice and breeding birds.

The Ecology surveys were originally carried out in 2017, which recorded dormice in the hedgerows, as well as commuting bats. Due to the length of time that has lapsed since the original consideration of the application, an update to the Preliminary Ecological Appraisal was submitted, which has not raised any new issues.

Somerset Ecology Services was reconsulted and not raised any objection, subject to

the inclusion of conditions, and as such the proposed development is considered to accord with policy EQ4 of the Local Plan.

Section 106

A detailed s106 Agreement was agreed, but not signed (due to the delays caused by phosphates) and covered the issues required by the Regulation Committee's resolution (as documented within the minutes) in January 2019.

However, the s106 now needs to secure the following additional measures:

- Nutrient neutrality mitigation, to include the following:
 - I. Installation of the new package treatment plant must be complete before the commencement of construction works on the development site.
 - II. Installation of the package treatment plant must be undertaken in compliance with current building regulations.
 - III. If the package treatment plant requires replacement the replacement plant must provide an effluent load of 1.6mg/l or lower.
 - IV. No dwelling on the development site can be occupied until after December 2023.

- Updated affordable housing tenure mix to include first homes, as follows:
 - at least 67% (sixty-seven percent) of the Affordable Dwellings shall be Social Rented Dwellings;
 - at least 25% (twenty-five percent) of the Affordable Dwellings shall be First Homes and;
 - at least 8% (eight percent) of the Affordable Dwellings shall be Shared Ownership Dwellings;

Community Infrastructure Levy

The application is CIL liable. This would be charged at £40 per sqm (Indexed from the date of introduction). 15% of the total received would go to the Parish Council.

Other matters

There have been some slight amendments to the conditions listed since the application was previously reported to the Committee, to remove duplication and correct minor errors.

A condition requiring the provision of Electric vehicle Charging Points (EVCP) has also been added.

RECOMMENDATION

The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, and would not harm ecological interests nor heritage assets and includes an acceptable phosphate mitigation strategy. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

Grant permission subject to the following:

A) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- i. The provision of 35% affordable housing with a split as follows: 67% social rented, 25% First Homes and 8% shared ownership
- ii. Contribution towards the provision of sport, play and strategic facilities
- iii. Submission of a Travel Plan Statement;
- iv. Highway Improvements to include a new footway along Broadway Road and traffic calming and gateway features along Pound Road; and
- v. Provision and maintenance of open space;
- vi. Phosphate Mitigation (Package Treatment Plant)

B) Subject to the following conditions:

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended)

02. An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

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

7854-PL001 (Site Location Plan)

1736/03/C (Proposed Site Access Arrangements)

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

05. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, scale, vehicular and pedestrian access arrangements, drainage and landscaping.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990. 06.

06. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

07. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of tree and shrub

planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-volumes and the approximate date of planting. The installation details regarding ground-preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included within the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

08. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Measures to prevent dust, mud or other debris from being deposited on the public highway;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: in the interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

09. The reserved matters application shall include submission of a construction environmental management plan for biodiversity (CEMP: Biodiversity). The CEMP: Biodiversity will be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, including vegetation clearance or ground works. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, dormice buffer zones etc,
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity.

10. The reserved matters application shall include submission of a Landscape and Ecological Management Plan (LEMP). The LEMP will be submitted and approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity.

11. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:
- A. Habitat 001 bat boxes (or similar) will be incorporated into 50% of the dwellings, at least four metres above ground level and away from windows, on the south and/or west facing elevations.
 - B. Schwegler 1SP Sparrow terraces (or similar) will be incorporated into 25% of the dwellings, at least one metre apart directly under the eaves and away from windows on the north elevations
 - C. Installation of a cluster of 3 x Schwegler 1as swift bricks or similar built into the wall at least 3 of the dwellings, at least 5m above ground level, ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations.
 - D. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
 - E. Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

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

12. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

13. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is properly drained to accord with the NPPF.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

15. No work shall commence on the development site until details of the access junction have been submitted and approved by the Local Planning Authority.

Details of the access junction to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved access junction has been constructed. The visibility splays shown shall be constructed prior to the commencement of the development and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

16. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel and highway safety to accord with Policy TA5 of the South Somerset Local Plan.

17. No work shall commence on the development site until details of the footway have been submitted and approved by the Local Planning Authority. Details of the footway to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved footway has been constructed.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

18. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

19. The reserved matters application shall include submission of a Lighting Strategy for Biodiversity. The lighting design will be submitted to and approved in writing by the local planning authority prior to occupation. The strategy shall:

- a) identify those areas/features of the site that are particularly sensitive for bats, dormice, and other protected species, that are vulnerable to light

disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux . Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

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

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2021, ODPM Circular 06/2005 and policy EQ4 of the South Somerset District Council Local Plan. Lighting Design for Biodiversity

20. Tree & Hedgerow Protection Condition: Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the scheme of tree and hedgerow protection measures (as prepared by Greenman Environmental Management) shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

21. The reserved matters application shall include details for dormice mitigation including habitat compensation and landscape planting proposals. Adequate buffer zones will be required around the woodland and the hedgerows. A habitat replacement ratio of at least 2:1 will also be required.

Reason: To mitigate the loss of habitat and in the interest of the strict protection of a European protected species in accordance with Policy EQ4 of the South Somerset Local Plan

22. The approved development shall only be carried out in accordance with the approved documents:
- Shadow Habitats Regulation Assessment (sHRA)- provided by HalpinRobbins on 9th of June 2023.
 - Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) - provided by HalpinRobbins on 9th of June 2023.

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

23. The maintenance of the package treatment plan shall accord in perpetuity with the detailed management plan contained within Appendix D of the NNAMS prepared by HalpinRobbins 9 June 2023.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity and Chapter 15 of the National Planning Policy Framework 2021.

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

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

25. Prior to occupation, all dwellings hereby approved shall not be occupied unless and until at least 1 Electric Vehicle Charging Point is provided per dwelling (in compliance with SCC's Parking Strategy 2013 and SCC's EV Charging Strategy Oct 2020) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Informatives:

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The proposal involves the construction of a footway/road widening, which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Highway Authority for details of the dedication procedure and they must be consulted regarding the specification and supervision of these works before they commence on site.

Details are available on the Council's website, or email
HighwaysDevelopmentControl@somerset.gov.uk

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APPENDIX – COPY OF THE 2019 REPORT

Officer Report On Planning Application: 18/01311/OUT

Proposal :	Outline planning application with all matters reserved aside from access for the erection of up to 35 dwellings and associated works (resubmission of 17/04239/OUT).
Site Address:	Land OS 4538 The Pound, Broadway Road Broadway TA19 9RA
Parish:	Broadway
NEROCHE Ward (SSDC Member)	Cllr L P Vijeh
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	25th July 2018
Applicant :	Mr Nick Warfield
Agent: (no agent if blank)	Mr Matthew Halstead, Alder King Planning Consultants, Pembroke House, 15 Pembroke Road. Clifton, Bristol BS8 3BA
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

The application was considered on the 12th December 2018 by the Area West Committee. Members were minded to refuse the application for the following reason:

The proposed development by reason of its location and scale on a greenfield site at the edge of the village would result in a significant adverse landscape impact and be harmful to the character and appearance of the village, contrary to policies SD1 and EQ2 of the South Somerset Local Plan.

Since the meeting of the Area West Committee, a response has been received from the Case Officer, Strategy and Commissioning, in respect of play facilities. A total of £55,406 has been requested. This shall be split between the enhancement of equipped play facilities in Broadway (£29,708 with £17,160 commuted sum) and towards the provision of youth facilities in Broadway (£5,833 with £2,157 commuted sum).

In addition, the agent has submitted a short addendum from the landscape consultant to his landscape appraisal that was submitted with the original application. Whilst only indicative at this stage, the landscape strategy drawing has been revised to include additional buffer planting to the north of the site, where the open space buffer is proposed to the surrounding landscape. This has been submitted to provide a more vegetated transition from the proposed development to open countryside to the north and will supplement the retention of the mature hedgerow boundaries and proposed additional landscaping.

The original officer report as considered by the Area West Committee is included in full below.

REASON FOR REFERRAL TO AREA WEST COMMITTEE

The application is referred to Area West Committee at the request of the Ward member and in agreement with the Chair in order for a full discussion of the planning issues raised by this

development.

SITE DESCRIPTION AND PROPOSAL

The site is located towards the north western side of Broadway, on the northern side of Broadway Road at its junction with Pound Road. The site comprises 1.73 hectares and is currently grassed and has been used to graze sheep. Mature hedgerows run around the boundary of the site along with a number of mature trees. A woodland copse is located to the south eastern corner. Residential properties front Broadway Road to the east of the site with 1 property adjoining the site. Additional residential properties then continue along Hare Lane to the west of the site on the other side of Pound Road. Fields adjoin the site to the north with a further field to the south.

The application seeks outline consent for the erection of up to 35 dwellings with only access being sought for approval at this stage. All other detailed matters in regard to layout, scale, appearance and landscaping will be submitted at any subsequent reserved matter stage. This application follows a previous outline application for 46 dwellings which was withdrawn following concerns raised in regard to the scale of development, harm to the character and appearance of the area, harm to ecological interests, impact on trees, and highway and pedestrian safety issues.

This revised scheme will provide 35 dwellings of which 35% (12 units) will be affordable units. A range of 2, 3 and 4 bed units will be provided along with five bungalows. The indicative layout plan has amended the earlier scheme by pulling dwellings away from the full extent of the northern boundary. The existing boundary hedgerows and trees will be maintained other than a small section of hedgerow removal to provide the access point from Broadway Road and the internal road to serve the properties in the smaller field. Additional supplemental planting will also be undertaken in certain sections both within and along the boundaries of the site. An attenuation pond will be located in the north east corner of the site along with a bat roost.

The small copse to the south east, whilst outside of the application site, will be retained and maintained by the applicant who is the current owner, as a landscape feature and for ecological benefit.

The application has been supported by a range of updated and revised supporting documents. These include the following:

- Archaeological and Heritage Assessment - April 2018;
- Design and Access Statement - April 2018;
- Flood Risk Assessment and Drainage Strategy - April 2018;
- Landscape and Visual Appraisal - April 2018;
- Landscape Strategy Drawing (1264-01 Rev B);
- Phase I Ecological Appraisal - April 2018;
- Phase I Geo Environmental Assessment
- Planning Layout Drawing (7854 SK004C);
- Site Location Plan;
- Topographical Survey;
- Tree Constraints Survey and Arboricultural Impact Assessment - April 2018;
- Transport Statement and Road Safety Audit - April 2018;
- Planning Statement - April 2018
- Technical Transport drawings:
 - Proposed Site Access Arrangements - Drg. No. 03;
 - Proposed Site Access - Swept Path Analysis - Drg. No TR02;

- Proposed Footway link to the village - Drg. No. 13;
- Proposed Gateway Feature on Pound Road - Drg. No. 14;
- Swept Path Analysis for a Refuse Vehicle - Drg. No TR04;

HISTORY

17/04239/OUT - Outline application with all matters reserved aside from access for the erection of up to 46 dwellings and associated works (application withdrawn).

POLICY

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

Relevant Development Plan Documents

South Somerset Local Plan (adopted 2015)

SD1 - Sustainable Development

SS1- Settlement Strategy

SS2 - Development in Rural Settlements

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, outdoor playing space, sports, cultural and Community Facilities in New Development

EQ2- General Development

EQ3 - Historic Environment

EQ4- Biodiversity

Other Relevant Material Considerations

National Planning Policy Framework (2018)

Chapter 2 - Achieving sustainable Development

Chapter 5 - Delivering a sufficient supply of homes

Chapter 12 - Achieving well designed places

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

Somerset County Council Adopted Highway standards.

Broadway Housing Needs Survey 2016.

CONSULTATIONS

Broadway Parish Council

Officer comment.

The Parish Council have strongly objected to the scheme and have submitted a 9 page letter to the officer. The full response is attached as an appendix to this report. The main topics/areas of concern and conclusion are covered below:

- Impact on the integrity and character of the village

- Relevance of the 5 year housing land supply
- Housing need
- Sustainability and social benefits
- Inappropriateness of the site
- Design
- Highway issues/ Road safety
- Economic benefits

Conclusion

Paragraph 4.2 of the applicant's Planning Statement succinctly sets out the aspiration for the proposed development as creating "a sustainable extension to the existing settlement with a scheme that maintains a traditional architectural style which respects the character of the settlement of Broadway."

Broadway Parish Council believes that the application fails its own test. It believes that the development would be:

1. an anomalously large block of housing adjacent to an otherwise linear stretch of single dwellings in Broadway Road and Hare Lane;
2. a visible group of 2-storey dwellings out of scale with the neighbouring bungalows and the village at large;
3. an incongruous and visible addition to the landscape, particularly in winter;
4. a stylistically unconvincing and incongruous mixture of modern and traditional tropes unrelated to nearby dwellings or to the older, traditional buildings at some distance from it;
5. a wholly disproportionate contribution to meeting District housing needs for a village of its size and one which would accelerate the already excessive urbanisation of the Broadway;
6. a precedent for further large-scale housing developments in the village based on a District-wide housing need and not local demand;
7. liable to increase serious and unresolved concerns about road safety at the Broadway Road/Hare Lane crossroads;
8. unsustainable in respect of local transport;
9. of no significant long-term benefit to the village economy;
10. counter to the clear wishes of the village as expressed in the 2016 Broadway Housing Survey and the meeting on 19 June 2018;
11. and, in respect of those aspects which might otherwise have merit, including the creation of a pathway along Broadway Road, measures to calm traffic on Pound Road, provision of an area of public open space, a contribution to housing mix and the availability of affordable housing, insufficiently compelling to outweigh the many detrimental aspects referred to above.

The Parish Council therefore objects to the planning application. The Council would wish to put these points directly to the Planning Authority at the relevant meeting to consider the application.

Highway Authority: (summary of original response)

The HA refer to their response to the previous application where an objection was raised due to increased use of a substandard junction (Pound Road and Broadway Road) and safety issues for pedestrians due to the lack of footway provision on Broadway Road. In regard to the revised scheme, have noted the reduction in housing numbers, and the subsequent lower numbers of vehicles using the junction.

Have questioned whether the applicant will be able to maintain the required visibility splays on the opposite side of the road at the junction as it is outside of the applicant's control/ownership.

No objection to the proposed new access into the development. Parking provision at 113

spaces is slightly below optimal standards. Advice given in terms of the internal road and layout.

If approval granted, conditions in regard to the vehicular access, footways, submission of a Traffic Management Plan and advisory notes in regard to entering into the suitable legal agreement with the HA for highway works have been recommended.

Officer comment: Following receipt of the above response, the case officer sought clarification from the Highway Authority as to the reason for their change of position in regard to the impact of the development on the Pound Road/Broadway Road junction. The principle concern was that the full splay could not be provided without the hedgerow being regularly cut back on land which is outside of the applicant's control. The applicant's highway consultant outlined that the revised scheme had reduced the number of dwellings from 46 to 35, thus reducing traffic flows; the introduction of gateway features on Pound Road would help reduce the speed of traffic; and that only minor trimming of the existing hedge to the south is required to achieve an appropriate visibility splay.

In addition to the agent's response, the Highway Authority were satisfied that the hedgerow was within their control and agreed to monitor that the hedge is regularly cut. Moreover, the Highway Authority did not consider that the additional number of vehicles generated by this development would result in a severe impact, ie the test set by the NPPF.

Notwithstanding the above, the case officer still retained concern that the visibility being provided was not sufficient as it did not meet the splay required for the actual speeds along Pound Road. A site meeting was convened with the Highway Authority, agent and the applicant's highway consultant to discuss the concern about visibility at the junction. It was agreed that a section of the highway verge on the left hand side as one emerges from Broadway Road would be reduced in height to no more than 300mm, levelled and grassed.

Highway Authority: (revised response following site meeting)

After our site visit at the beginning of September, the Highway Authority still does not wish to raise an objection to the planning application and our previous comments and recommendation would still apply, as would the conditions that were set out in the letter from the Highway Authority dated 18 June 2018.

Ecologist: (summary)

Referred to and attached his response to the original application which remains largely relevant to this revised proposal. Previous concerns included impact on dormice and that the applicant hadn't adequately demonstrated that the Habitat Regulations would be met.

Note the indicative layout for smaller number of houses with an area of open space in the north of the site which gives greater scope for compensation planting. A revised ecological report sought to address previous concerns raised. The Ecologist doesn't agree with all of its conclusions and mitigation proposals, particularly in regard to impact of road fragmentation and the need for supplementary thorny planting. Improvements for dormice mitigation can be achieved via widening hedges with new planting alongside. However, notwithstanding those issues, and an adverse impact on dormice, the scale of such impact is low and localised and adequate mitigation and compensation can be provided within the site.

No objection is raised to the principle of development. If approved strongly recommends further dormouse mitigation is provided as part of any reserved matters application.

Somerset Wildlife Trust:

Have noted the very comprehensive Ecological Assessment provided by Ethos Environmental Planning. We fully support the findings of the Assessment and are very

pleased to see the wide ranging Recommendations for Mitigation and Enhancement as contained in Section 10 of the Assessment. We would request that all of those Recommendations are included in the Planning Conditions and implemented in full if it is decided to grant Planning Permission.

Tree Officer: (summary)

Noted the minor revisions to the attenuation pond details and tree protection measures which are satisfactory. Landscape details are only indicative at this stage and would encourage a more detailed scheme. No objections are raised subject to 2 conditions in regard to tree and hedgerow protection prior and during construction, and a landscape condition.

Housing Development Officer: (summary)

Seek 35% affordable housing, equating to 12 units, with a split of 80:20 social rent: intermediate product. This would provide 10 social rent and 2 shared ownership. A mix of 3no x 1 bed house/bungalow, 6no x bed house/bungalow and 3no 3 bed house. Recommends that the units are pepper potted throughout the site. Recommended space standards are also provided along with a phased delivery of the units.

County Archaeologist:

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

Wessex Water: (summary)

No objection raised.

Foul drainage - there is current capacity in the local foul sewer in Broadway Road to accept the predicted flows. Advice given about connection.

Surface water drainage - surface water to be disposed via SuDS with an attenuation basin and discharge to local land drainage systems. Will need approval from the Lead Local Flood Authority.

Water infrastructure - Developer will need to agree point of connection onto Broadway Road and Pound Road.

Lead Local Flood Authority (LLFA): (summary)

No objection subject to a drainage condition. The LLFA have advised that they wish to see a commitment to further SUDS features as part of detailed design process.

REPRESENTATIONS

29 letters/emails have been received objecting to the scheme raising the following points:

- Development will harm the character and appearance of the area
- Loss of green space between main village and Hare Lane properties.
- It will be an eyesore at the entrance to the village
- No pedestrian paths at the start of Broadway -this should be addressed
- Additional speeding traffic on Pound Road has not been addressed.
- Increased levels of traffic will increase accident risk at the junction of Pound Road and Broadway Road.
- Increased traffic through village
- Traffic calming measures needed
- Congestion around the school
- Lack of parking
- Poor visibility at the junction
- New footpath but none proposed beyond Croft farm - no footpath for a further 0.5 mile into the village
- Starting point for new footpath would be unsafe.

- Footpath would result in loss of scenic verge
- Blocks of flats will look into garden with loss of privacy
- Apartments inappropriate
- Views will be lost
- Number of dwellings should be reduced / 20 would be a maximum
- Scheme too dense
- Single storey only to respect character of village and client demographic
- Overdevelopment of site and not in keeping with adjacent properties.
- Broadway has taken sufficient dwellings in recent years - Tanyard and Vardens Farm - no need for additional housing
- Contrary to Policy SS2
- adverse impact on ecology
- lack of amenities in the village nor public transport
- lack of employment opportunities
- question extent of public consultation
- Local school at capacity and other services would be overstretched
- Reduction in numbers of dwellings does not alleviate previous concerns
- Questions the argument that construction work would bring employment to the area - only temporary and come from outside the area.
- Drainage/flooding/sewerage concerns
- Light pollution

15 letters/emails have been received supporting the proposal. The main points are as follows:

- Happy that the village is considered a growing place where development can take place
- Provide affordable housing and increase new properties for local people
- Small clusters of new housing does not deliver affordable housing rather expensive new homes that local people can't afford. The village has many people that wish to stay or return to the village but have been unable to do so due to lack of available /affordable properties.
- Real concern about children and grandchildren being able to continue living in the village due to lack of affordable housing
- Additional residents brings possibility of more small businesses being created.
- Development will help maintain and sustain current services/amenities and may help towards a viable bus service.
- Neroche school is not full, there are spaces.
- Site is attached to the village and an ideal location
- Hare Lane currently has 34 properties and this is an infill site
- Permission has been granted at the other end of the village which is less suitable position.
- Previously a farmhouse and outbuildings on site.
- Development will deliver much needed traffic calming measures helping to reduce traffic speed
- A large farmhouse with outbuildings previously occupied site, thus a previously developed site.
- Baffled that some people objecting are those who have just moved into the village and into new properties
- Village has the infrastructure to support additional population
- Doctors surgery would benefit as it has capacity to welcome new patients. The Bell Inn is also being renovated and additional villagers will potentially provide increased numbers of customers.
- The scheme will benefit the village.

2 letters/emails have been received making the following observations/representations:

- No problem with the proposed development
- Need for affordable housing in the village
- Will help sustain local services
- The developer has not mentioned any help to buy scheme for the larger market houses.

The Campaign for the Protection of Rural England (CPRE) have submitted an objection to the proposed development. Whilst noting that the scheme has been reduced in numbers, the concerns raised in connection with the earlier scheme remain ie that the cumulative level of growth for Broadway is not acceptable nor sustainable development and it would have an adverse landscape impact.

CONSIDERATIONS

The application seeks outline consent with all detailed matters reserved for future approval other than the means of access. Accordingly, the assessment of this application relates to the principle of residential development on this site along with the proposed access arrangements from Broadway Road. Detailed matters in regard to the appearance, landscaping, layout, scale and design of the houses and internal roads would be assessed as part of any subsequent separate reserved matters application, subject to outline approval being granted.

Principle of Development

Broadway is classed as a rural settlement in the adopted South Somerset Local Plan where development is strictly controlled. Development should be limited to that which provides 1 or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly affordable housing. The adopted Local Plan seeks to direct most of the housing growth towards Yeovil, the market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of at least 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan in regard to the distribution and spread of housing, and is designed to take advantage of employment and service opportunities in the larger settlements.

Broadway does benefit from some local services and facilities including a primary school, doctors surgery, village hall and a public house (currently being renovated). On this basis, the village can be considered as a relatively sustainable settlement and meets the criteria under Policy SS2 of the Local Plan for allowing development in rural settlements. This view is supported by recent appeal Inspectors in assessing appeals for residential development in the village, most notably a 25 house scheme next to the Bell Public House. Whilst, as with many rural areas, employment opportunities are low, and public transport provision is poor, people are increasingly either running businesses from home or working from home with a reduced need to travel to a main office. For these reasons, and having regard to a number of appeal decisions in respect of residential development in the village and other rural settlements within the district, where Inspectors have accepted residential development, the principle of residential development is considered to be acceptable. The key consideration in this case is whether the proposed number of dwellings is acceptable taking into account the site individually, the cumulative number of dwellings completed and consented over the plan period in the village and the district wide housing requirements.

It should be noted that whilst Policy SS2 is relevant policy consideration and has to be taken into account, insofar as parts of the policy are considered to be a housing constraint policy,

due to the Council's current lack of a 5 year supply of housing, only limited weight can be attached to Policy SS2. This is because Government policy contained within the National Planning Policy Framework outlines that where a Local Planning Authority is not able to demonstrate a 5 years supply of housing land, and the application involves the provision of housing, policies that are most important for determining the application are out-of-date.

Accordingly, as the principle is accepted, an assessment therefore now has to be made as to whether any relevant policies that protect such areas from development would provide a clear reason for refusal or whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. In this case, the benefits of the scheme would be the provision of housing, including affordable dwellings, economic benefit during construction and the spend of new occupants in the village. In addition, money will be collected from the Community Infrastructure levy, of which 15% will go to Broadway Parish Council.

Housing Need/Local Plan housing strategy

Objections have been received to the application on the basis that there is no proven housing need for this scale of development in Broadway. In addition, the Parish Council undertook a housing needs survey in 2016. Forms were distributed to every household (320) with 134 forms returned, representing a 43% return rate. This is considered to be a very good return rate.

Reading through the summary of the main findings, it was clear that while 56% felt that Broadway is sufficiently or over developed, there was quite a clear indication from others that housing, in particular affordable housing was required. 44% (59) felt that more houses are needed with a third of those (20) looking for new housing to purchase, either open market or affordable. A high number of respondents (66%) stated that they require smaller properties, preferably 2 bedrooms although up to 3 would be acceptable for 34%. 75% (100 people) see a need for lower cost open market houses to purchase for people with local needs. 50% support new homes on smaller sites - 10 houses or less. Larger sites had no support. 1 in 3 would like a bungalow.

The above response to the Housing Needs Survey would appear to reasonably reflect the balance of responses received to the current application with the majority expressing concerns about any further development and the number of dwellings, whilst on the other hand, a significant minority of residents strongly supporting development in order to meet local housing needs.

The Housing Needs Survey provides useful evidence as to the housing needs in the village. However, notwithstanding the findings, this must be set against the context of the overall housing needs for the district. As outlined above, whilst Policy SS2 seeks to strictly control development, rural settlements are expected to contribute to meeting the district's overall housing needs. It is not considered that it would be reasonable to refuse this application simply on the basis that there is no housing need. There is clearly a housing need in the district and the Council are currently not able to demonstrate that it is meeting its housing targets. Indeed, the housing supply position has worsened with the most recent report stating that the Council currently has a 4 year supply, compared with the previous figure of 4.2 years. Accordingly, as a housing constraint policy, the NPPF advises that such policies are considered out of date and can only be afforded limited weight in the decision making process.

Given this context, the next assessment is whether the adverse impact of approval of this scale of development would significantly and demonstrably outweigh the benefits. Major new residential developments have been approved in Broadway in recent years, in particular 25

units next to the Bell, Tanyard with 16 and 9 units at Vardens Farm. The 25 units on land next to the Bell have yet to commence whilst the Tanyard development has been completed. In total, as at 31st March 2018, there have been 30 completions with 43 commitments (ie sites with planning permission but yet to be commenced and/or completed). This gives a total of 73 units.

In respect of providing affordable housing, it is clear that a number of local residents wish to see affordable housing being provided in the village. A number of units have been and will be provided as part of recent planning approvals at The Bell and those recently completed at St James Gate (5 affordable units). However, given the number of people that responded to the housing needs survey and the district wide need for affordable housing, by providing 12 affordable units, this scheme would make a valuable contribution towards the Council's affordable housing requirements. It is also important to note that whilst smaller developments (under 10) generally have more public support, following the government's decision that developments of 10 or under do not have to provide any planning obligations, these smaller schemes do not provide affordable homes.

In terms of assessing the scale of growth, the proposed scheme would add to the 73 already consented giving a total figure of 108. This would exceed the housing figures for Stoke Sub Hamdon which is classed as a rural centre and in the tier above Broadway in the Local Plan hierarchical strategy. The tier of settlements sitting above rural settlements in the local plan are the 6 rural centres and these generally have a target of 200 plus dwellings. However, Stoke sub Hamdon, whilst included as a rural centre has a housing figure of only 51 to reflect its smaller scale and nature. Therefore the total of 108 would sit well below the 5 rural centres. Therefore, on balance, it is not considered that the hierarchical strategy of the local plan would be significantly harmed or undermined by this proposed development.

The Council are currently in the early stages of reviewing the adopted Local Plan. An Issue and Options document was published for consultation towards the end of 2017. One of the possible options is to provide a new tier within the settlement hierarchy that would give some of the current rural settlements an enhanced role. However, this is at an early stage with the Preferred Options yet to be published. Accordingly, no settlements have been identified yet with an enhanced role, and thus it is not considered to be a material consideration at this stage.

Highways/parking

One of the objections to the earlier scheme was the increase in use made of the Pound road/Broadway Road junction which is considered to sub-standard given the lack of appropriate visibility. Hence, the reason for the stop line on Broadway Road at the junction. The increase in traffic, speeding, safety concerns and, in particular the poor visibility at the junction, has been raised by local residents.

In regard to the current application, the Highway Authority have not raised an objection. They are satisfied that the increased levels of traffic development will not have a severe impact on the local highway network. The Transport Assessment advises that the scheme would generate 30 trips during the AM peak and 34 during the PM peak. They are satisfied that with the cutting back of the hedgerow, improved visibility will be provided. However, notwithstanding the measures proposed by the applicant and Highway Authority recommendation, as outlined earlier in this report, the case officer remained concerned at the visibility provided at this junction, particularly given the recorded speeds along Pound Road, well in excess of 30mph. This would require a much greater level of visibility at the junction ie 90 metres compared with 43 metres for a 30 mph area. As outlined above, a site meeting was convened with the Highway Authority, agent and the applicant's highway consultant to discuss the visibility at the junction. It was agreed that a section of the highway verge on the

left hand side as one emerges from Broadway Road would be reduced in height to no more than 300mm, levelled and grassed. This would provide a 90 metre splay making it much safer to emerge from the junction, benefiting both future and current residents.

The concern about speeding traffic on the local roads is fully acknowledged. In order to help with reducing vehicle speeds, the applicant has proposed a Gateway feature on Pound Road to the north and to the south of its crossroads junction with Broadway Road and Hare Lane. This comprises narrowing features on Pound Road with associated lining and signing. However, whilst this may only have limited impact on vehicle speed, the applicant should not be expected to solve the problem of excess speed on local roads. This is a matter for the Police and Highway Authority.

In addition, given the likely increase in pedestrian traffic, the lack of any footpath as part of the proposals for the withdrawn scheme drew an objection from the Highway Authority. A footpath extending 210 metres starting opposite the site entrance to Croft Farm is now proposed on the southern side of Broadway Road. This would be 1.8 metres in width and be adopted as part of the public highway. Concern has been raised about the visual harm the path would have on the current green verge and that it would lead to users stepping off the path into the road at its end point.

The Highway Authority have assessed the path, particularly from the safety point of view and have not raised an objection. Given that pedestrians currently have no footway for a significant length of Broadway Road and have to walk on the verge or road, heading from the village out to the west, it is considered that the provision of the footpath will be of benefit to both new and existing residents. The path will lead to the start of residential development on the southern side of Broadway Road, thus well beyond the extent of the development site. Whilst it would be ideal to continue the path to connect with the existing path in the village, it is not considered reasonable to expect the developer to deliver complete pavement coverage.

In regard to parking provision, concern has been raised that insufficient parking is being provided. The indicative layout submitted with the application shows provision for a total of 113 spaces. This figure is just below the adopted parking standards. However, details of the layout, including parking arrangements, are not due for consideration at this stage, and will be assessed as part of any subsequent reserved matters application.

Landscape

One of the objections to the previous scheme was on landscape grounds, in particular the adverse impact on the character and appearance of the area. Notwithstanding the historic existence of a farm house and outbuildings, the site is the last piece of undeveloped land fronting Broadway Road from its junction with Pound Road. There are no dwellings to the south, opposite the site but a number of dwellings are located to the west on the other side of the junction.

The Landscape officer objected to the previous scheme on the basis that it would erode the character of the village's rural setting, projecting a housing mass into the countryside contrary to the local settlement pattern. It would also result in the loss of open space providing the historic separation of Hare Lane properties from Broadway village. The applicant's landscape and visual appraisal submitted as part of the application concludes that development of this form in this location will have a limited visual effect due to the woody surround and proposed mitigation, with physical change arising from development being limited to the locality. The landscape officer did not agree with that conclusion. The character of existing housing on the north side of Broadway Road towards this end of the village is mainly single-plot depth. The landscape officer was concerned that the original development

would be harmful to this linear character as well as enclosing the open space between existing development and properties in Hare lane.

In seeking to address those original concerns, the revised layout has reduced the number of dwellings by primarily removing houses away from the northern section of the site and proposing this as open space. The proposed dwellings as shown on the indicative layout plan will range from 25-35 metres away from the northern boundary. Additional planting will also be undertaken to supplement the existing boundary hedgerows and trees.

Whilst it is acknowledged that the character of properties along Broadway Road at this end of the village is linear in form, this is not characteristic of the village as a whole. There are a number of examples within the village where the character is of a group of dwellings, in a cul-de-sac arrangement. Properties on the northern side of Broadway Road arranged in this manner are at Olivers Lane and those at/adjacent to Yatford farm. Other examples include Tanyard on the southern side of Broadway Road. Of particular relevance is the appeal decision at Vardens Farm. Whilst for a lower number (9 units), the Inspector in assessing the landscape impact commented that there is 'a considerable variety in the arrangement of properties in the village'.

Whilst the landscape concerns are fully acknowledged, given the changes to the scheme, the mixed character of properties within the village and the Inspector's conclusion in respect of Vardens Farm, it is accepted that whilst there would be some landscape harm, this impact is not considered to be so adverse to significantly and demonstrably outweigh the benefits that the scheme would deliver.

Residential amenity

Concern has been raised that the scale and design of some of the proposed dwellings would result in overlooking and loss of privacy, particularly in regard to the proposed apartment block in the southern corner. The impact of a new development on the amenity of all adjacent occupiers is a very important consideration. In this case, the details of the scheme including layout and design of the dwellings have not been sought for approval at this stage. An indicative layout has been provided. However, the assessment of the relationship between new and existing dwellings would be undertaken at reserved matters stage.

Ecology

The earlier withdrawn scheme for 46 units attracted objection on ecological grounds due to the adverse impact on dormice and the conclusion of the ecologist that the 3 tests under the Habitat Regulations would not be met. As outlined previously, the proposed layout of the scheme has been amended following an updated ecological appraisal. This outlines that the habitat on site largely comprises poor semi improved grassland which is heavily grazed. The loss of the grassland for development was assessed as having a negligible impact on biodiversity.

The protected species surveys identified that the boundary hedgerows are used by bats, dormice and breeding birds. The revised scheme includes compensation and enhancement measures for biodiversity which includes the retention, buffering and enhancement of the important hedgerows and woodland copse. This will provide an ecological corridor allowing enabling protected species to continue to use the site. Enhancements include the provision of a wetland/pond area, (attenuation), native wildflower, hedge and tree planting and installation of nesting opportunities for birds and roosting opportunities for bats. The additional Public Open Space areas will also be seeded to encourage the biodiversity of the site.

The Council's Ecologist has reassessed the ecological impacts based on the revisions to the suggested layout and on the basis of the revised ecological report. As will be noted above, the ecologist has not raised an objection to the principle of development but strongly recommends further dormouse mitigation is provided as part of any reserved matters application.

The Ecologist has noted the indicative layout for smaller number of houses with an area of open space in the north of the site which gives greater scope for mitigation/ compensation planting. The Ecologist didn't agree with all of the conclusions and mitigation proposals, particularly in regard to impact of road fragmentation and the need for supplementary thorny planting. Improvements for dormice mitigation can be achieved via widening hedges with new planting alongside. The scale of impact on dormice is low and localised and adequate mitigation and compensation can be provided within the site. As the layout and landscaping is not being sought for approval at this stage, this will need to be satisfactorily addressed at the reserved matters stage. In regard to the 3 Habitat Regulations Tests, it is considered that with the changes to the scheme and subject to satisfactory mitigation and compensatory measures, the scheme would meet the 3 tests.

Trees

An objection was raised by the tree officer to the earlier scheme on the basis of the potential impact of the attenuation basin and its close proximity to 6 fine Oak trees on/adjoining the north-eastern corner of the site. His concern focused on the fact that such attenuation features can reach well beyond their immediate footprint. In particular, once filled with water, they can significantly alter the hydrology of the adjoining soil-environment, creating water-logged conditions that can cause extensive death of nearby tree root systems.

The revised scheme has pulled the attenuation basin 10 meters away from the closest point to the Oak trees. The Tree Officer is now satisfied with this revision and does not raise an objection. He notes that whilst the landscape details are only indicative at this stage, he does recommend that a more detailed landscape scheme is submitted with any reserved matters application.

Drainage/flooding

Concern has been raised by some local residents about flooding and drainage of the site. As with any scheme, it is not expected to resolve any current drainage issues but to ensure that an appropriate drainage system is installed and that it does not create additional flooding elsewhere. A Flood Risk and drainage Strategy report has been submitted. The site is wholly located in Flood Zone 1 which means that the site is at low risk from sea or river flooding. Both Wessex Water and the Local Lead Flood Authority have assessed the proposal and submitted documentation. Neither have raised an objection subject to conditions to secure the technical drainage details with any reserved matters application.

Surface water will first be attenuated on site and discharged at the greenfield rate which will be achieved via a detention basin. Discharge from the site will then go to a ditch on the boundary, with this connecting to a tributary of the Cad Brook. The Planning Statement outlines that during the public consultation event, concerns were raised that the proposal is likely to increase pressure on the existing drainage and sewerage systems within Broadway with concerns that this is at capacity. The applicant consulted Wessex Water who confirmed that there is capacity in the public foul sewer network to accommodate the proposed development. Therefore it is proposed that the foul water will be discharged to the foul sewer in Broadway Road. This has been confirmed by Wessex Water through their formal consultation response to this application.

Heritage

Broadway does not have a designated Conservation Area. In respect of listed buildings, the closest listed property is Porch House, which is located approximately 240 metres along Broadway Road to the east of the site. Accordingly, it is not considered that the proposed development would have any harmful impact on heritage assets.

Impact on local infrastructure and facilities

Objections to the scheme have been received on the basis that the village does not have the facilities to support the scheme and that its local infrastructure would not be able to cope with the additional housing and resultant population increase. In terms of infrastructure, as can be viewed from the responses outlined previously in this report, none of the key statutory providers such as Wessex Water or the Highway Authority have raised an objection. On that basis, it is considered to be very difficult to sustain an objection on those grounds.

It is accepted that public transport provision is very poor and that journeys required to be made out of the village will be made by private vehicle. This position was accepted by the appeal Inspector when assessing and allowing the appeal scheme for 25 dwellings next to the Bell Public House. In regard to the medical centre, an email has been received from the Practice Manager at the Church View medical Centre, via the agent, to confirm that the centre has the capacity to enrol more patients onto the patient register and is actively encouraging patients to register at the practice to ensure sustainability.

Other matters

The supporting documents have made reference to the fact that this site is identified within the Council's Housing & Economic Land Availability Assessment (HELAA). The HELAA is a technical and theoretical assessment of sites which could potentially contribute towards the future supply of housing and employment land within the local plan area. However, it is important to note that no policy weight is attached to its inclusion in HELAA nor does it imply that planning permission will be granted

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution towards the provision of sport, play and strategic facilities
- 3) Submission of a Travel Plan Statement;
- 4) Highway Improvements to include a new footway along Broadway Road and traffic calming and gateway features along Pound Road; and
- 5) Provision and maintenance of open space;

COMMUNITY INFRASTRUCTURE LEVY

The application is CIL liable. This would be charged at 40 per sqm. 15% of the total received would go to the Parish Council.

RECOMMENDATION

Grant permission

01. The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, and would not harm ecological interests nor heritage assets. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

04. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, scale, vehicular and pedestrian access arrangements, drainage and landscaping.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

05. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of tree and shrub planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-volumes and the approximate date of planting. The installation details regarding ground-preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included within the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

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

Drawing numbers: 7854-pl001.

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

07. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

Construction vehicle movements;

Construction operation hours;

Construction vehicular routes to and from site;

Construction delivery hours;

Expected number of construction vehicles per day;

Car parking for contractors;

measures to prevent dust, mud or other debris from being deposited on the public highway;

Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

A scheme to encourage the use of Public Transport amongst contractors; and

Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: in the interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

08. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is properly drained to accord with the NPPF.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

11. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel and highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

13. No work shall commence on the development site until details of the access junction have been submitted and approved by the Local Planning Authority. Details of the access junction to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved access junction has been constructed. The visibility splays shown shall be constructed prior to the commencement of the development and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

14. No work shall commence on the development site until details of the footway have been submitted and approved by the Local Planning Authority. Details of the footway to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved footway has been constructed.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

15. No development shall commence unless a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements;
 - o Construction operation hours;
 - o Construction vehicular routes to and from site;
 - o Construction delivery hours;
 - o Expected number of construction vehicles per day;
 - o Car parking for contractors.

Reason: In the interests of highway safety and residential amenity to accord with Polices TA5 and EQ2 of the South Somerset Local Plan.

16. Tree & Hedgerow Protection Condition: Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the scheme of tree and hedgerow protection measures (as prepared by Greenman Environmental Management) shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

17. The reserved matters application shall include details for dormice mitigation including habitat compensation and landscape planting proposals. A habitat replacement ratio of at least 2:1 is recommended.

Reason: To mitigate the loss of habitat to accord with Policy EQ4 of the South Somerset Local Plan.

Informatives:

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The proposal involves the construction of a footway/road widening, which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Transport Development Group at County Hall, Taunton, TA1 4DY, for details of the dedication procedure. The Highway Service Manager for the South Somerset Area at Somerset County Council Highway Services, South Somerset Area Highways Office, Mead Avenue, Yeovil, BA22 8RT, Tel No 0845 345 9155, must also be consulted regarding the specification and supervision of these works before they commence on site.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager must be consulted. They can be reached at Somerset County Council Highway Services, South Somerset Area Highways Office, Mead Avenue, Yeovil, BA22 8RT, Tel No 0845 345 9155

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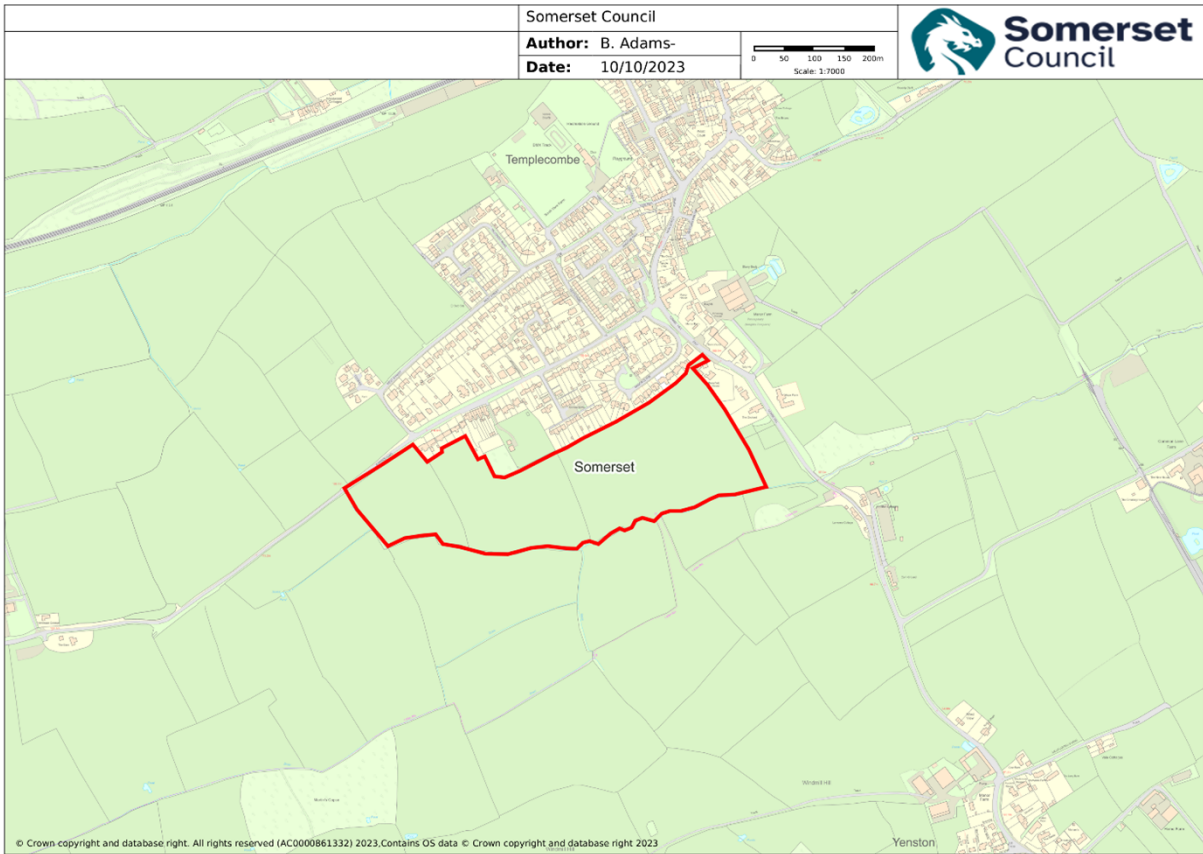
Officer Report On Planning Application: 22/03560/OUT

Proposal :	Outline planning permission with all matters reserved except for access, for up to 140 dwellings (use class C3), public open space, landscape planting and biodiversity enhancements, vehicular access from Bowden Road, community use (flexible use class E, F1 and/or F2), and associated infrastructure works
Site Address:	Land OS 6975, South Of Bowden Road, Templecombe, Somerset,
Parish:	Abbas/Templecombe
BLACKMOOR VALE Division	Cllr Nicola Clark Cllr Sarah Dyke
Recommending Case Officer:	David Kenyon (Principal Specialist)
Target date :	14th April 2023
Applicant :	Gleeson Land Ltd
Agent: (no agent if blank)	Boyer Planning 21 Princess Victoria St Clifton, Bristol BS8 4BX
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION



The application site lies on the southern edge of Templecombe, directly south of the existing housing on Bowden Road and extends to approximately 10.5 ha (circa 26 acres) in size. The site comprises three agricultural fields.

To the east of the site is Combe Hill (A357) and an existing farm track, which provides an existing access to the site. Between the site and Combe Hill lie three detached dwellings and mature planting. The site is bordered to the north by the existing settlement edge of Templecombe and the rear gardens of several homes located on Manor Close, Overcombe and Bowden Road. The land falls southwards towards a watercourse and mature landscaped boundary. A second existing access is located off Bowden Road. To the south and east the site is bounded by a heavy thicket of hedgerow running along the site edge, helping to visually contain the land. To the west lies the countryside interspersed with sporadic individual buildings, with fields bounded by hedgerows and trees.

Templecombe has a range of local services and facilities, including a Primary School, a convenience store, takeaway, health service, employment opportunities, train station, sports facilities, and places of worship.

The existing large employer, Thales UK Ltd, employs in the region of 700-750 on site at any one time, of which about 50 people live in the Templecombe BA8 postcode. Employment numbers increased by approximately 30 once the new manufacturing building granted planning permission in December 2018 (ref. 18/02738/FUL) had been constructed and was in operation.

The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area; there are no Listed Buildings within the immediate vicinity of the site, nor are there any Public Rights of Way (PRoW) that cross the site. A public footpath (WN 29/21) lies to the south west of the site from which parts of the site can be viewed at a distance from parts of that public right of way.

THE PROPOSAL

The proposal seeks outline planning permission (with all matters reserved except for access), for up to 140 dwellings, public open space, landscape planting and biodiversity enhancements, vehicular access from Bowden Road, community use (flexible use class E,F1 and/or F2), and associated infrastructure works. All details in relation to appearance, landscaping, layout and scale are reserved for consideration at the detailed application stage and are not to be considered as part of this outline application.

The site layout, prepared by Richards Urban Design, demonstrates how development will be accommodated across the site:

- 140 dwellings, comprising a mix of 1, 2, 3 and 4 bed homes
- A policy compliant 35% of the new homes would be provided as affordable homes (49 affordable homes if the overall number of dwellings is 140)
- Provision of 5.1 ha (12.6 acres) of public open space, allowing for potential new woodland planting, children's play areas, wildflower planting, biodiversity enhancements and structural landscape planting across the site
- Land reserved for community uses to include flexibility for use classes E, F1 and / or F2
- The retention of the majority of existing trees within the site, with only a small assortment of poor-quality trees to be removed to enable the access at Bowden Road. The existing hedgerow bounding the site would remain in situ and would be protected during construction. The development would include the addition of new planting and landscaping to enhance the street scene and add character to the open space
- Pedestrian and cycle connections throughout the site allowing a sustainable access connecting dwellings to the proposed Public Open Space, as well as the surrounding area
- Attenuation basins to be sited along the southern portion of the site, offering a sustainable urban drainage system (SuDS) whilst offering a wetland habitat for wildlife, and
- Ecological buffers along the boundary of the site to conserve natural habitat where wildlife can thrive, and bat flight paths are protected. The proposal comprises a Biodiversity Net Gain of 10%.

Details are sought to be agreed for access as part of this application. Vehicular and pedestrian access would be achieved by making use of the existing farm access off Bowden Road, along with a pedestrian/cycle and emergency vehicular access onto Combe Hill (A357) which exists at the north eastern corner of the site.

To allow pedestrian connectivity to Templecombe, the following off-site highway improvements are proposed and could be secured via a section 106 legal agreement:

- Tactile paving added to existing dropped kerbs at the northern and southern ends of Westcombe
- Tactile paving added to the existing dropped kerbs at Methyr Guest Close at the junction with Vine Street
- Tactile paving added to existing dropped kerb at Bowden Road / A357 junction
- Tactile paving and dropped kerbs added at Vine Street / Westcombe junction
- Tactile paving and dropped kerbs added to aid crossing on Station Road and
- Tactile paving and dropped kerbs added to A357 / Throop Road junction.

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

Documents

- Cover Letter prepared by Boyer dated December 2022
- Application Form and Ownership Certificates prepared by Boyer dated December 2022
- CIL Form prepared by Boyer dated December 2022
- Planning Statement (Issue 2) prepared by Boyer dated December 2022
- Statement of Community involvement (Issue 2) prepared by Boyer dated 10th December 2022
- Design and Access Statement prepared by Richard Urban Design dated December 2022
- Arboricultural Impact Assessment ref 11550_AIA.001 prepared by Aspect Arboriculture dated 12th December 2022
- BS 5837:2012 Tree Schedule ref 11550 TS 01 prepared by Aspect Arboriculture dated August 2022
- Ecological Impact Assessment ref 221215_P1239_EcIA_Final01 prepared by EAD Ecology dated 15th December 2022
- Energy and Sustainability Statement prepared by Deadalus Environmental dated December 2022
- Flood Risk Assessment and Drainage Strategy prepared by Abley Letchford Partnership dated 14th December 2022
- Preliminary Risk Assessment ref 1922554-R01(01) prepared by RSK Geosciences dated 25th October 2022
- Heritage desk-Based Assessment ref P22-1977 v. 1 prepared by Pegasus Group dated 6th December 2022
- Geophysical Survey Report ref sumogeop1-511040 prepared by Sumo survey dated 17th November 2022
- Transport Assessment ref MS/LJ/ITB14408-012a prepared by i-Transport dated 8th December 2022
- Framework Travel Plan ref MS/LJ/ITB14408-014a prepared by i-Transport dated 8th December 2022
- TRICS Parameters Note ref MS/BB/ITB14408 prepared by i-Transport dated 10th May 2023
- Landscape and Visual Appraisal ref edp7620_r001b prepared by The Environmental Dimension Partnership Ltd dated December 2022, including photographs, Peripheral Landscape Study Landscape Sensitivity Templecombe and Visual Sensitivity Templecombe plans; Value & Constraints plan; Landscape Character and Context Appraisal plan; and Visual Appraisal plan

- Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate prepared by EAD Ecology dated August 2023 Signed by Applicant 14th August 2023 and Natural England 17th August 2023
- Phase 2 Geo-environmental and Geotechnical Site Investigation 1922554-R02 (01) prepared by RSK Geosciences dated 31st May 2023
- Landmark Chambers Counsel Opinion prepared by Landmark Chambers dated June 2023

Drawing

- Drawing ref. 1330.01 Site Location Plan dated 09.11.22
- Drawing ref. 1330.02 Illustrative Masterplan dated 18.11.22
- Drawing ref. 1330.02 Illustrative Masterplan showing access to adjoining land dated 13.12.22
- Drawing ref. 1330.03A Parameter Plan dated 15.03.23
- Drawing ref. 1330.05 Illustrative Masterplan with land use and contours dated 02.05.23
- Drawing no. ITB14408-GA-007 Rev. F. Proposed 3.7m Pedestrian/Cycle Access on Combe Hill dated 01.12.22
- Drawing no. ITB14408-GA-047 Rev. B. Swept Path Analysis - Refuse Vehicle dated 02.12.22
- Drawing no. ITB14408-GA-048 Rev. B. Swept Path Analysis - Fire Appliance dated 02.12.22
- Drawing no. ITB14408-GA-049 Rev. B. Swept Path Analysis at Emergency Access dated 01.12.22
- Drawing no. ITB14408-GA-053 Rev. A. Proposed Vehicular Site Access on Bowden Road dated 05.12.22
- Drawing no. ITB14408-GA-054 Rev. A Proposed Vehicular Site Access on Bowden Road dated 05.12.22
- Drawing no. ITB14408-GA-055 Swept Path Analysis - Water Tanker dated 08.12.22
- Drawing no. 11550 TCP 01 Rev B (Overview) Rev. B. Tree Constraints Plan dated August 2022
- Drawing no. 11550 TCP 01 Rev B (1/4) Rev. B. Tree Constraints Plan dated August 2022
- Drawing no. 11550 TCP 01 Rev B (2/4) Rev. B. Tree Constraints Plan dated August 2022
- Drawing no. 11550 TCP 01 Rev B (3/4) Rev. B. Tree Constraints Plan dated August 2022
- Drawing no. 11550 TCP 01 Rev B (4/4) Rev. B. Tree Constraints Plan dated August 2022

- Drawing no. 11550 TPP 01 Rev A (Overview) Rev. A. Tree Protection Plan dated December 2022
- Drawing no. 11550 TPP 01 Rev A (1/4) Rev. A. Tree Protection Plan dated December 2022
- Drawing no. 11550 TPP 01 Rev A (2/4) Rev. A. Tree Protection Plan dated December 2022
- Drawing no. 11550 TPP 01 Rev A (3/4) Rev. A. Tree Protection Plan dated December 2022
- Drawing no. 11550 TPP 01 Rev A (4/4) Rev. A. Tree Protection Plan dated December 2022
- Drawing no. Edp7620_d009b Landscape Strategy Plan dated 14 December 2022

RELEVANT PLANNING HISTORY

While the application site has no recent planning history, the following planning applications have been determined within the vicinity of the site and within Templecombe:

19/03416/OUT: Land at Manor Farm, Combe Hill, Templecombe. Outline application for the demolition of existing buildings and residential development of 60 units including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access).

Refused 14th August 2020 as the proposal would not comply with Local Plan Policies SS2 (Development in Rural Settlements), EQ2 (General Development) and EQ3 (Historic Environment).

Following a Public Inquiry that lasted for 9 days, the subsequent appeal into that August 2020 decision was dismissed on 6th July 2021 for reason that the harm identified to the setting of the nearby Grade II* Listed Building, Manor Farm, would not be outweighed by public benefits of that proposal, together with harm to the character and appearance of the area.

19/01604/OUT: Land at Coombe Farm, OS Plots 4300 Part and 4613 PA, West Street, Templecombe. Outline application with all matters reserved save for access for residential development for up to 49 dwellings including landscaping, drainage, and new vehicle access from West Street.

Approved 4th August 2021.

The Council's lack of a five year housing land supply lent significant weight when considering the planning balance. Mindful of the site's location in a sustainable

location with access to a high range of services and facilities, the proposal was not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity to justify a refusal of planning permission. In terms of the 'planning balance', it was considered that there were no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 49 dwellings in this sustainable location. As such, the former South Somerset District Council's Regulation Committee considered the proposal to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, TA5, TA6, HW1, EQ1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

PLANNING POLICY

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

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

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

SD1 - Sustainable Development SS1 - Settlement Strategy

SS2 - Development in Rural Settlements SS4 - District Wide Housing Provision SS5 - Delivering New Housing Growth SS6 - Infrastructure Delivery

HG3 - Affordable Housing TA1 - Low Carbon Travel TA4 - Travel Plans

TA5 - Transport Impact of New Development TA6 - Parking Standards

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

EQ1 - Addressing Climate Change in South Somerset EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure EQ7 - Pollution Control

National Planning Policy Framework - September 2023

Chapter 2 - Achieving sustainable development Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes Chapter 8 - Promoting healthy and safe communities Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

National Design Guide - September 2019

Other Relevant Documents

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

CONSULTATIONS

Abbas and Templecombe Parish Council

Detailed responses objecting to the application proposal have been received from the Parish Council. A summary of the Parish Council's objections are as follows:

- The proposal is contrary to Local Plan policy SS2 and that the village does not have an adequate range of services or employment opportunities to accommodate 140 additional dwellings.
- Concern that the land on which the proposal is planned is the site of the burial of between 100 and 150 burials of slaughtered livestock infected by foot and mouth disease in the last outbreak and potential impact to ecology.
- Traffic: congestion is already high and the adverse impact to Listed Buildings suffering from vibration due to volume of traffic.
- Recommends mitigation to be included to CEMP if approval is granted.
- Recommends provision of a modern, updated GP surgery if approval is to be granted.

The Parish Council's responses have been uploaded onto Somerset Council's website but are also set out in full below.

- a) Consultation response dated 16th February 2023 following the Parish Council meeting held on the 14th February 2023

Abbas & Templecombe Parish Council strongly object to this planning application on the grounds,

1. *With consideration to our understanding of local planning policy concept SS2 development in rural settlements, which Templecombe is, should be strictly controlled limited to that which: Provides employment opportunities appropriate to the scale of the settlement, creates or enhances community facilities and services to serve the settlement, Meets identified housing need. Development will be permitted when it is commensurate with the scale and character of the*

settlement.

Abbas & Templecombe Parish Council would like acknowledged that Templecombe has far exceeded the number of permitted applications and that therefore this application is not commensurate with the cumulative scale and character of the Rural Settlement. The volume and scale of applications in the Settlement has not followed the SS2 policy and this application for 140 houses is not demonstrative of the protection of the distinctive historic and rural environment of Templecombe.

We have lived with the myth of Templecombe having a relatively strong employment function which is simply not the case. Thales is included as the key contributor to employment but their own statement on completion of their extended site only offered 30 new jobs split across the Templecombe & Stockport sites over the fifteen-year contract with the majority of these being highly skilled engineering and design posts. Surely not sufficient to warrant the building of another 140 homes.

This application would add a disproportionate increase of houses in the Rural Settlement. South Somerset District Council recognises that if granted this application would bring total expansion of the Settlement to more than 44% (SSDC Planning Policy Consultation Response 22/03560/OUT, dated 24 January 2023). This seems grossly disproportionate when compared with other conurbations (Martock, pop. Circa 4100, 360 new builds and Templecombe pop. Circa 1700, 325 new builds).

In South Somerset HELAA 2018E/0004 this land had a limited scope for development - Bowden Road not adequate for significant numbers of dwellings - suggest 10 dwellings close to Bowden Road - remainder of site too much of an encroachment into open countryside.

As always, the planning application is keen to emphasis the range of services available - significantly it does not allow for the pressure on those services. The Parish Council has repeatedly highlighted the cumulative effect of successive planning applications putting unacceptable levels of pressure on capacity of services including the primary school and GP surgery, as well as local road networks. Any current capacity does not allow for the increased pressure generated by those applications already in development such as Knights Meadows where building is in progress, but no residents have yet moved in.

Given the growth of the village already, it is difficult to justify that the application therefore meets any justifiable need. We would further like to highlight that no bungalows have been included within the application which again further highlights that need has not been identified.

The argument that the 5-year land supply not being met and therefore Local Policies are deemed out of date and the decision reverts to the planning balance as per the NPPF does not equate with the number of houses either being built, approved and under consideration. The cumulative impact on the village and community infrastructure has a larger negative impact than any perceived benefits which may arise.

- 2. The land on which the proposal is planned is the site of the burial of between 100 and 150 burials of slaughtered livestock infected by foot & mouth disease in the last outbreak. The recent pandemic has shown how dangerous virus infections can be. Disturbing this land could not only affect the local area but by contaminating nearby watercourses spread far wider.*

Residents overlooking the site report sightings of protected wildlife in the form of badgers, otters, and great crested newts.

The boundary of the site is marked along Bowden Road beyond the existing dwellings by an ancient hedge which in itself is habitat for indigenous plants and wildlife and should be preserved. It has already been desecrated by the unnecessary widening of the gate access to the site.

Abbas & Templecombe Parish Council strongly urge that a full ecological study be carried on the site to determine the wildlife claims and the health & safety consideration of disturbing the burials.

- 3. At present all the traffic to and from Bowden Road, Overcombe, Collingham Crescent, West Street, Vine Street and Westcombe has to join the main A357 at the junction opposite the Manor House (a listed building already suffering from vibration due to the amount of heavy traffic). With another 40+ dwellings on West Street already in the planning system it is impossible to imagine what traffic hold ups a further 140 dwellings will make not only to this junction but also through the village and to the south where the crossroads at Virginia Ash have already been described as having very limited further capacity.*

Should the unthinkable happen and the Planners approve this application then Abbas & Templecombe Parish Council ask that the following restrictions be included within the CEMP. Also, that system be put in place to monitor these restrictions and take action if they are abused.

- No construction or deliveries at the weekend
- No deliveries before 8.00 am and after 5pm

- No commencement of work before 8am or after 5pm
- No use of night floodlighting which is disruptive to both wildlife and residents.
- Maximum measures to limit sound and vibration with mitigation measure in place and no dependent on complaints. No parking off site at any time.
- Deliveries and workers to enter the site only from the South of the village on the A357 to minimise extra traffic through the village.
- Mud and dust mitigation measures in place at all times. Regular window cleaning offered to residents as a minimum.

b) Consultation response dated 21st March 2023 following consideration of the submitted Highways/Travel Plan

The Highways input is based on the extrapolation of information provided by the applicant which we believe is only as good as the assumptions on which it is based. The plan for the 140 dwellings includes parking provision for over 320 vehicles including 28 visitor spaces. The TRICS statistics suggest what we believe are unrealistically low numbers of vehicles leaving and returning to the site at peak periods. The output from TRICS is completely dependent on the input factors used and the assumptions made regarding the type of environment being considered.

In addition, it is suggested that only 13% of journeys are for commuting which in general terms would mean that 87% would be for other reasons. As most employed people commute to work on a 5 day week, one to work and one returning perhaps at peak times this would account for only 10 journeys - it is not easy to see how this relates to the 13% quoted.

We believe that the peak traffic numbers will be significantly higher than suggested - perhaps 150-200 movements compared with the 70 quoted. Our reasoning can be seen below:-

1. The typical market price for homes in our area range between £270K and £580K depending on the size of the home as evidenced by the Knights Meadow development currently being built. Even at the bottom end of this range (according to SSDC information in Local Planning Documents) this is approximately seven times the average earnings in what is a rural economy based around agriculture and other low wage employment. This in itself would mean that for houses in this price range both partners in a household would need to work to service a mortgage. In addition, adult working children are likely to live at home for longer whilst they attempt to 'get on the housing ladder' This will generate a significant amount of work journeys.

2. Given that the local bus service is very limited, does not travel where people have jobs or when people need to travel it is not a viable alternative to owning a car for most people. The bus service is under threat of being reduced even more. The train service does not stop in the centre of Yeovil's commercial centre where there is employment. These issues mean that people will need to travel by car to their work location. This also facilitates the ability to 'shop' on the way home to avoid additional shopping trips. The proposed reduction in car travel suggested in the Travel Plan by reducing the number of vehicle single occupancy by car sharing is insignificant and no evidence of its attainment seems to be available from other schemes.

3. There are no new jobs being generated in Templecombe and Thales, the major employer in the village may well 900 but the jobs but they are both highly technical and filled, resulting in a very low number of vacancies as people leave or retire - in short it is not a major source of employment for potentially 250 people. The strategy for local employment opportunities has been to develop Henstridge Airfield for a number of years but this is not accessible by public transport and results in more people having to get to work.

4. Families with children at primary school and having only one parent employed with the other parent based at home will take children to school by car and not walk. This development is further from the school than all of the other parts of the village with no continuous pavement to the school making it very unlikely they will walk - currently there are approximately 50-60 cars dropping off children at school and this will only increase if this development and the proposed 49 dwellings already approved in West Street go ahead. The vast majority of parents living in West Street, Westcombe, Overcombe and Hillcrest use the Bowden road access to the A357 to travel to school by car and a significant number use the very narrow Vine Street to get home.

5. There is no recognition that developments already in progress in Stalbridge and Henstridge will increase the traffic on the A357 and therefore in Templecombe in a northerly direction.

The quoted 85th percentile speed figures in the location of the proposed access to the site at 37.5mph and 32.4mph respectively are too high for an 'estate road' and consideration should be given to making the whole of Bowden Road a 20mph zone.

All of the junctions along Bowden Road leading to Manor Close, Westombe, Overcombe, Collingham Close and West Street/Access to the proposed development, should be brought up to a similar standard as those being constructed at the Knights

Meadow development in Templecombe if this development is approved. Bowden Road is the only access to this part of the Village from the A357 and should be treated as the entry to all of the above developments.

The proposed walking routes from the Bowden Road development use the very narrow section of West Street, that is without pavement or down Bowden Road to Westcombe which is also very narrow, or to the A357. Bowden Road has no continuous footpath along its length and people are asked to walk in the road which is full of parked vehicles or along an intermittent grass verge which is not regularly maintained and has numerous trip hazards. This will drive people into their cars unless a proper pavement along the whole length is included.

c) Comments dated 22nd April 2023 sent directly to Divisional Members (Cllr Dyke and Cllr Clark) following receipt of Highway Authority's response of 5th April 2023 (which was a response replying to the Parish Council's previous comments of 21st March 2023

You have no doubt seen our concerns we relayed to the planning officer related to the Highways issues. The response unfortunately dismisses them mainly on the grounds that the TRIC system is a nationally accepted method of estimating the impact of additional housing on communities in terms of traffic.

The TRIC system is a subscription only data source and relies on the selection of a number of parameters used 'in effect' to describe the situation and environment being considered. Clearly the outcome result depends largely on the decisions made at the input stage and presumably any incorrect choices could severely compromise the output reported.

It seems totally improbable to us that out of the 300 or so vehicles provided for in the application, in an environment where two people per house would need to be working to afford the house, and consequently be travelling to work, where there is little or no public transport, the outcome would be that only 70 vehicles would leave and return to the development in peak hours.

Is there any way you can obtain information as to how the parameter selection input to the TRIC system were arrived at by the developer's contractor? If those parameters are reasonable for the situation we are likely to have, include the information a reasonable person would expect to see, then we would have no alternative but to accept the situation. It is easy of course, to assume the developer would like to see a beneficial outcome to support their position but I would expect SCC Highways to ensure that the information is robust and fair.

d) Consultation response dated 14th June 2023 following consideration of the submitted Phase 2 Geo- environmental and Geotechnical Site Investigation document

Abbas and Templecombe Parish Council are surprised no significant remains of a cattle burial site and slurry pit were found given the anecdotal evidence from multiple sources in the Village. Abbas and Templecombe Parish Council have no additional comments to planning, with regards to the issues of contamination and archaeological remains within the site. However, we continue to strongly object to the development for the reasons previously raised.

e) Consultation response dated 6th October 2023 in relation to observations from NHS Somerset

Whilst Abbas & Templecombe Parish Council are firmly opposed to the building of 140 houses to the south of Bowden Road for the reasons already submitted should the application be granted then the Council would support a new Doctors surgery being included in the development. Our reasons for supporting a new GP surgery are below:-

1. The initial basis of the Health Boards comments to this application is that there is sufficient capacity to accommodate the additional patient load as a result of the 140 dwellings in this application. Given the fact that in the catchment area for the Milborne Port Practice is currently subject to an additional 180 homes in Henstridge plus an additional 260 homes in Templecombe (140 in this application ,70 under construction at Knights Meadow plus 49 at West Street with outline approval) and a further 18 Bungalows under consideration on the Knights Templar Nursing Home site.

In addition to this there have been applications for a further 550 homes in Stalbridge, which comes under Dorset for planning decisions but is part of the catchment of the Milborne Port practice. Milborne Port itself and Sherborne both of which have seen significant new housing development are also within the same GP practice catchment area. Can the Health Board assure the community that there is still sufficient capacity within the Milborne Port practice when all of these developments are complete by providing the details of the capacity calculation?

In the Henstridge PC input to the application they cite difficulty in getting access to GP's as an issue and that same issue is often commented on for our residents. Clearly this may be due to the policy change to the policy of

increasing the involvement of nurses and pharmacists for less specialised services, but the fact is that Templecombe currently has a three day GP cover and only in the mornings.

2. The existing Templecombe surgery has no appropriate access for disabled and/or infirm elderly patients with steep steps or inclines to be negotiated. The surgery also has insufficient parking provision for staff and patients causing conflict with residents denied access or egress to/from their properties due to poor parking behaviour by visitors to the surgery. There is no appropriate public transport available for Templecombe residents to access Milborne Port surgery to and from appointments meaning all trips for patients will require a car journey.
3. Given the lack of additional infrastructure planned to meet all of these developments it would make sense to include a modern updated surgery with appropriate car parking, given there is a willingness from the developer to provide land and some finance via an S106 agreement and a supportive GP practice for improved facilities in their practice.
4. It is recognised that the relevant Health Board have to follow a process to decide if they are supportive of this initiative but it should not stop an appropriate wording in the application S106 agreement as the project, if approved will take time to complete.

Henstridge Parish Council

Henstridge Parish Council strongly objects to this application for the following reasons:-

1. This proposal ignores the cumulative effect of extra traffic generated by this new development, coupled with other large developments on the A357 in Henstridge, Templecombe and Stalbridge doing significant harm to our village, in particular our narrow High Street. With further housing developments either being built out or approved, it is already having a considerable impact.

In 2018 as part of the Appeal for 130 houses at Townsend Green, Henstridge ref 17/03029/OUT and APP/R3325/W/18/3197690, a TA was commissioned by Somerset County Council and was produced by James McKechnie of Hydrock. Henstridge Parish Council would like to draw your attention to section 1.5 of that report which refers to the traffic lights at the junction of the A357/A30 having "very limited remaining capacity at the junction in 2022 with forecast

development traffic". At peak times traffic is now considerably queued as we stand at the moment.

Since this report was compiled, in the adjacent authority of North Dorset (Stalbridge), much of the housing mentioned in the report has been completed with more waiting, totalling over 400 homes all of which will at some point, be using this road.

Our own development at Townsend Green remains under intense discussion concerning the A357 following the above mentioned Appeal hearing.

2. The Local Authority has a duty to protect the intrinsically environmental benefits of the open countryside. This application would have a serious impact on the visual amenity of the landscape from the PROWs at Windmill Hill, Yenston which currently have 360 degree views of the beautiful Blackmore Vale area and are well used in particular by the residents of the aforementioned hamlet which sits within this Parish. The current ridge line of housing at Bowden Lane sits distant and does not significantly affect these views, however, should the new development be allowed to proceed, then this landscape would change forever bringing urban development right up to our Parish Border and perhaps setting a precedent for the future.
3. Whilst appreciating that this is not a material planning matter and notwithstanding the response from the NHS consultee confirming capacity at Milborne Port and Templecombe surgery for this particular development, when considering our Parish uses the same surgery, Henstridge Parish Council has concerns that the medical services in this area were not designed for an exponential increase in housing cumulatively (there is already a marked decline in accessibility of appointments) and we urge you to consider this in any decision regarding long term sustainability for both the residents of Templecombe and ourselves.

Highway Authority

Detailed responses have been received from the Highway Authority, including responses to various concerns/objections raised by the Parish Councils and third parties. In essence, the Highway Authority raises no objections and is satisfied that the proposed development would not create a severe highway safety or efficiency issue.

The Highway Authority's responses have been uploaded onto Somerset Council's

website but are also set out in full below, mindful some relate directly to observations raised by Abbas and Templecombe Parish Council.

a) 8th March 2023. Consultation response

In summary, no objections subject to various requirements to be included within a Section 106 agreement and conditions relating to the site access junction, the proposed mitigation measures, the Framework Travel Plan and the footpath link onto adjoining roads.

The Highway Authority comments that a full assessment of the transport implications has been undertaken and the following matters are concluded:

- a) The developer included all committed developments within the trips assessed
- b) Trip generation figures are deemed acceptable
- c) Trip distribution figures are acceptable
- d) Trip growth rates are deemed acceptable
- e) Degree of saturation for all junctions modelled shows they perform within capacity
- f) The Travel Plan has been assessed as acceptable
- g) The junction onto Bowden Road can be constructed in accordance with current policy standards

Whilst the Highway Authority accepts local opinion may not support the proposal, in highway terms the Authority's assessment does not highlight any grounds on which to base an objection.

A section 106 Agreement should secure the Travel Plan, the new site access onto Bowden Road, and the new cycleway footway to the east onto A357 (Combe Hill). Conditions are recommended relating to the submission and approval of highway infrastructure prior to construction and occupation; construction of new accesses prior to commencement of further development; provision of suitable visibility splays; construction of highway infrastructure to at least base course level to serve each dwelling prior to its occupation; provision of parking and turning spaces (including an electric vehicle charging point for each new dwelling); surface water disposal provision; submission of a construction management plan prior to development commencing; and construction of cycleway and footway linking the site to Combe Hill to the east, and making them available for public use, prior to first occupation of any dwelling.

b) 5th April 2023. Response to Abbas and Templecombe Parish Council's comments dated 21st March 2023 following consideration of the submitted Highways/Travel Plan

The TRICS database is accepted nationally as being the industry standard for assessing traffic generation by development proposals. As such, the Highway Authority accepts the details as discussed in the submitted recommendation. The details provided in the submitted application documents took account of all the committed developments in the area and the junction modelling demonstrated the roads in the area are capable of accommodating the additional traffic.

Whilst it is accepted Bowden Road does not have a footway along its full length, there are wide grass verges which provide refuge for pedestrians. Further, residents from the new development walking to the station would be unlikely to use Bowden Road. The new link in the NE corner of the development site onto the A357 Combe Hill, provides a continuous footway to Yarnbarton and onward to the station. As has been stated, the Highway Authority is content there are no highway grounds for object.

c) 24th April 2023. Response to Abbas and Templecombe Parish Council's email dated 22nd April to Divisional Members

The comments [from the Parish Council] are correct; the outputs from TRICS rely on the input parameters. The Parish Council will obviously have seen the input parameters when the application details were presented as these were included on page 2 of Appendix G of the Transport Assessment. The parameters were therefore included in the comprehensive assessments made by the Highway Authority as part of the consultation. Had the assessments raised concerns over the validity of the input parameters, appropriate comments would have been made during the consultation process.

d) 7th June 2023. Response to a third party objection stating that some of the TRICS Parameters Note, prepared by i-Transport on behalf of the applicant in response to various concerns raised by Abbas and Templecombe Parish Council and Henstridge Parish Council, was incorrect and information had not been factored into the TRICS modelling

The Highway Authority has had a look at the details, and the only matter which is possibly incorrect in the parameters document is the statement that the Henstridge development is under construction. As far as the Highway Authority is aware it has not commenced yet, but the 2017 Outline permission has been granted. The Highway Authority has nothing further to add to those comments already made.

e) 13th June 2023. Direct response to third party email regarding highway safety in Bowden Road which raised concern about poor visibility along the road, cars

manoeuvring in and out of pinch points, no free flow of traffic with the number of cars, vans and tractors going up and down the road, and a further increase in traffic which would not be safe for car or bicycle users or pedestrians

No-one has a legal right to park in the highway; however, if this is undertaken in a safe and efficient manner it is an accepted practice across the country. Where existing parking practices are indiscriminate or are causing safety issues as you suggest, this would be a matter for the police to investigate and deal with appropriately.

These existing issues are, however, not caused by the development proposal currently before us for consideration. The highway environment along Bowden Road includes many safe, wide walkable grass verges and areas of hardened refuge for use by more vulnerable users meaning they are not in conflict with manoeuvring vehicles on the carriageway.

Car ownership does not equate with trip movements on the highway. The nationally accepted TRICs database shows a development of this size will generate in the region of 70-80 vehicles and approximately 30 pedestrian movements in the peak hour. The vehicle movements take account of those residents who do not use their vehicles in the peak hours as they, for example:

- Walk children to school,
- Walk to work or use modes of sustainable transportation,
- Are retired and not constrained by workday timings,
- Work from home so do not go out,
- Work shift patterns so are on the road outside the peak hours.

Further, of those pedestrian movements generated by the new residents in the estate, there are two possible routes for walking, and for the vast majority of the trips, the new footway link in the NE corner of the site would be the more intuitive to access the local services, shops, primary school and railway station. In this regard the level of pedestrian traffic on Bowden Road would not increase dramatically.

The Highway Authority is content the development will not create a severe highway safety or efficiency issue.

Education Authority

A proposal of 140 dwellings in this location will generate the following number of pupils for each education type: 13 Early years pupils, 45 Primary Pupils, 20 Secondary pupils, and 2 special educational needs (SEN) pupils.

The primary and pre-school are at capacity and expansion is required. There is a shortfall in capacity for provision of SEN provision and developer contributions would also be required. Requests total financial contributions of £1,453,240 towards early years (£275,444), primary (£953,460) and SEN (£224,336).

As this is an outline application, the contributions can be based on a per dwelling cost so that they can be directly related to the number of homes proposed at reserved matters (£1,967.46 for early years, £6,810.43 for primary, and £1,602.40 for SEN).

King Arthurs secondary currently has capacity and therefore no funding would be required for that school at present.

NHS Somerset

The responsible NHS body (NHS Somerset Integrated Care Board), through the Local Planning Authority Engagement team (LPAE), advises that GP surgeries within the catchment area that this application would affect currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

Nevertheless, the Integrated Care Board (ICB) has been engaging with the local GP to establish the facts/position which are as follows:

- The GP has confirmed that conversations have taken place with the applicant/developer around the possibility of a branch surgery relocation within Templecombe.
- Whilst the size of the practice is not a particular issue, the existing branch surgery in Templecombe has some other challenges which appear to have influenced the direct engagement of the GP with the applicant/developer to consider the potential on-site re-location.
- The GP has not entered into any formal agreement with the developer.
- No conversation has been undertaken between the applicant/developer and the ICB.
- The GP believes that the land and potentially some of the build cost could be provided by the applicant/developer. However, as the ICB would need to be party to a Section 106 agreement, no formal offer has been received for review.

So, in this case, if the applicant/developer is willing to offer land for new premises on the application site or a contribution towards re-location through the S106 pathway, then this will need to be further explored in consultation with the ICB for consideration to support the Heads of Terms which will describe those associated

terms and conditions.

Furthermore, the ICB is not fundamentally opposed to the relocation of the Templecombe branch site; any GP practice is entitled to approach the ICB with a request for re-location, but this would require a significant period of engagement and review. Therefore, the GP Practice does have the opportunity to request the ICB to consider re-location through other means for approval; however, the ICB has not received a proposed project for consideration to-date.

Planning Policy team

No objection to the proposal in principle and acknowledges that the tilted balance in paragraph 11 d) of the National Planning Policy Framework (NPPF) now applies to the decision-making process in light of the Council having a 3.7 year housing land supply. In conclusion, any recommendation will need to be made in the context of paragraph 11 d) of the NPPF having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply.

Historic England

No advice offered. Suggests views are sought from the Council's Conservation Specialist and archaeological advisors.

Council's Conservation Specialist

The nearest designated heritage asset is the Grade II* listed Manor House. However, whilst acknowledging that the proposed development will have an impact on the village, there is no direct impact on designated heritage assets. The existing new development to the south of Bowden Road and Combe Hill forms a screen between the proposed development site and the listed buildings. In light of the above no heritage observations are raised.

South West Heritage Trust

The submitted Heritage Assessment and Geophysical survey report indicates that any archaeology on this site is likely to be of local significance. The geophysical survey results do provide some evidence that there are limited remains of archaeological potential which will be impacted by this proposal. These remains are most probably relating to medieval (or post-medieval) agricultural activity and/or possible associated with a windmill being situated on the site, based on cartographical

evidence. For this reason, it is recommended that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the NPPF, to be secured by the use of a planning condition.

Council's Consultant Landscape Architect

Provides detailed responses on 10th February and 14th April 2023 which have been uploaded in full on the website. He concludes that there will be harm to landscape character with the change from agricultural land to a housing scheme. However, the land is already heavily influenced by adjacent housing. The scheme is well designed in that the housing is well contained within the existing field pattern and existing hedgerows retained and respected. In addition, there will be harms to visual amenity, and it is acknowledged that those receptors who have been used to the view of an attractive sloping landscape will no longer have those views.

Whilst this is an outline application that seeks to establish the principle of development, nevertheless given the importance of the specific of this layout and this landscape arrangement / treatment, the existing vegetation should be added to the parameter plan and the orchard feature should also be included on the parameter plan as a 'green infrastructure area'. The parameters plan also needs to include space for appropriate mitigation along the northern boundary. A revised parameter plan was received during April 2023 taking into account these comments and confirmed as acceptable by the Consultant Landscape Architect.

Overall, there will be harm but the Consultant Landscape Architect concurs with the submitted Landscape Visual Impact Appraisal in that such harm will be within acceptable levels and should not, in itself, be a reason for refusal. He recommends no objections subject to the imposition of conditions to cover the detailed landscape design and implementation. At that time, there should be included a much stronger line of street trees, to include appropriate space for large sized trees.

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

The outline layout masterplan, along with the landscaping information that it contains, and the supporting arboricultural information, which appears to have positively informed the illustrative layout design, have been noted. Subject to securing suitable tree and hedgerow protection measures, along with an effective scheme of carefully detailed hard and soft landscaping measures, there are no arboricultural objections to this outline proposal.

Conditions are recommended relating to the submission and approval of tree and hedgerow protection measures prior to commencement of development and also the submission of a hard and soft landscaping scheme.

LLFA

Having reviewed the submitted document 'Flood Risk Assessment and Drainage Strategy', the LLFA is pleased that the applicant has considered SuDS features including permeable paving, swales, filter drains, attenuation basins and filter strips. These should be included at detailed design stage with justification provided if these are not provided.

At the detailed design stage, detailed calculations and drawings should be provided for the full strategy and a full explanation provided in the report to include:

- A drawing showing that attenuation structures are not located within an at-risk area.
- Details that the proposed surface water drainage system has been designed to prevent surcharging in all events up to and including the 1 in 2 annual probability storm event, prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event. This report should also demonstrate that surface water runoff up to the 1 in 100 year event plus climate change will be controlled without causing harm to people or properties.
- Detailed drawings illustrating the proposed surface water drainage system including location of SuDS features, manholes, external pipework, attenuation features and discharge locations. These drawings should illustrate that the proposed attenuation structures are not located within an area at risk of fluvial or surface water flooding up to the 1 in 100+ climate change annual probability event, and rational behind this if this is the case.

As the proposed discharge ditch flows towards Main River Bow Brook, a consultation with the EA showing their consent to the proposed development should be included. In summary, the LLFA requirements for an Outline Planning Application have been satisfied and an appropriate planning condition can be set for the above matters.

Wessex Water

No objections subject to conditions and informatives.

Environment Agency

The Environment Agency has no objections to the proposed development, as from a controlled waters perspective, the site appears to be low risk.

In response to concerns raised about potential foot and mouth virus on the site, the EA notes that the burial of animal carcasses is anecdotally recorded as 1969 which allows for greater than 50 years degradation. With reference to the Defra document 'Science Advisory Council: 2001 Foot and Mouth outbreak carcass burial report' dated 15th March 2017, the EA advises that, after a period of greater than 50 years, the potential source contaminants on site are likely to have naturally attenuated.

Environmental Health

No objections are raised subject to the imposition of a condition relating to the submission of a Construction Environmental Management Plan which must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

A further condition is recommended requiring the submission to and approval by the LPA of a scheme to deal with contamination of land, controlled waters and/or ground gas. The strict control on disturbance of DEFRA sites for Foot and Mouth relates to the last outbreak whereby carcasses were buried. From the last outbreak, no animals were buried that had a positive test result, only culled animals as part of a preventative spread policy and had a negative result were buried. DEFRA's own research shows that this risk of Foot and Mouth being present is after 20+ years is very low. The risks from earlier outbreaks of the 1950s and 1960s still being present is negligible.

The recommended contaminated land condition should take into account the potential for the site to be a burial site of animals from whatever Foot and Mouth outbreak and include the correct consultations with government depts such as DEFRA, and investigations, including the relevant and necessary sampling and soil description. The first part of the condition includes a desk study which should incorporate the consultation with DEFRA. Environmental Health will review any submissions of contaminated land reports when submitted as part of a planning condition discharge request as is normal. The contaminated land condition is a pre commencement condition. As long as the investigation is carried out in accordance with industry best practice and British Standards, there should be no risk to members of the public or investigation personnel.

Somerset Ecology Services

No objection subject to imposition of ecological mitigation and enhancement conditions, and condition in the interest of European protected species.

Natural England

No comments to make. Detailed advice is only provided on applications that pose a risk to nationally designated sites and landscapes. None of Natural England's Impact Risk Zones are triggered in this case.

Strategic Housing Team

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

Council's Environmental Services

Consideration has been given as to whether the proposed development would provide sufficient Informal Open Space in accordance with Local Plan Policy HW1. (Open space Strategy 2011 - 2015: Quantity Standards). The assessment has been undertaken on the basis that the net number of dwellings is 140. The minimum level of provision of informal open space to meet the additional demands arising from this development would be 0.824ha. Overall, the application proposal seeks to provide a significant amount of Informal Open space throughout the scope of the development. The amount of usable Open Space that is to be provided is approximately 4.5ha, which is in excess of the 0.824ha that is actually required for the 140 dwellings.

Council's Strategic Planning Team (South)

Requests off-site financial contributions towards enhancing the existing equipped play space, youth facilities, playing pitches and changing room provision at Templecombe Recreation Ground, together with associated maintenance commuted sums. The overall contribution total requested is £421,452 (or £3,010 per dwelling).

Devon and Somerset Fire and Rescue Service

No objection. Comments offered about the proposal having to comply with the functional requirements of the Building Regulations, to include access requirements for Fire Service Vehicles (vehicle access, minimum road widths, turning facilities for fire service vehicles, maximum reversing distances of 20 metres, and the provision of

appropriate water supplies for firefighting). All these comments would be considered at detailed design stage.

Police Designing Out Crime Officer

No objection and provision of comments relating to overlooking and some lighting of parking spaces, side and rear boundaries of plots, layout of footpaths, open spaces and communal areas in respect of crime prevention and anti-social behaviour, access control to apartment buildings and refuse bin storage enclosures, all to be considered at detailed design stage.

STATEMENT FROM APPLICANT'S AGENT IN RESPONSE TO ABBAS AND TEMPLECOMBE PARISH COUNCIL'S COMMENTS

HIGHWAYS

The Parish Council's comments dated 22nd April 2023 have been set out in full for the above consideration. It is considered equally appropriate for the applicant's Transport Consultant comments to be referred to and he has confirmed that:

- The TRICS input criteria is appropriate, and the trip rates (derived from a large number of comparable sites) are similar to a number of other residential development sites within the local area which either have planning permission or are being built out.
- The trip rates for this site (and others locally) have been subject to scrutiny by SCC, in their role as the Local Highway Authority, and have subsequently been agreed.
- The trip rates identified in the Transport Assessment are therefore representative of vehicle travel during the network peak periods.

A full response titled 'Land at Bowden Road, Templecombe: TRICS Parameters Note Ref: MS/BB/ITB14408' was made available on the Council's planning register on 10th May 2023.

REPRESENTATIONS

Over 100 representations have been received from third parties raising objections to the proposed development, which have been placed on the website for consideration prior to the determination of this application. The most common concerns expressed included matters such as:

- Access and Pedestrian Safety.
- Increased Traffic.

- Strain on Existing Services.
- Number of dwellings being proposed.
- Contaminated Land.
- Impact on ecology.

These objections can be summarised as follows, in no particular order:

- Increased traffic on Bowden Road and A357 which are already at capacity.
- Inappropriate use of greenfield land.
- Infrastructure cannot cope with the scale of residential development that has already been approved.
- Cumulative impact of development has not been considered with nearby planning permissions.
- The proposed scale of works is too great a density and represents overdevelopment on a massive scale.
- Doctors' surgery at capacity.
- Inadequate primary school capacity to cater for the increased influx of children.
- Local bus services are at capacity.
- Inadequate electricity capacity, sewerage and freshwater systems to cater for additional development.
- Unacceptable danger to highway safety for car and pedestrian users as there is no pavement on Bowden Road.
- Resultant unacceptable increases in noise, dust, fumes, pollution and disturbance.
- Inappropriate access to site which is not walkable to local schools or employment. The access entrance and adjoining roads not built for increase in traffic.
- Disturbance to the wildlife that reside in these fields, some of which include deer, otters, mice, owls, many species of birds, Great Crested Newts, Deer, Brown Hare and many more.
- The scheme fails to provide any opportunities for new employers or to enhance village facilities.
- Flood risk - the area is prone to frequent flooding making sections of Bowden Road impassable by foot.
- Contaminated land - Foot and Mouth burials on site.
- Scale of development will impact the character of Templecombe.
- Parking space allowance does not consider parking needs at peak times.
- There are no major employment opportunities in the village.
- Landscape and views - the outlook from Windmill Hill a local feature between Yenston and Templecombe would be spoilt by the proposed development, also impacting the light-pollution free nights.

- Privacy will be invaded to the occupiers of the dwellings that back on to the site
- There is no demand for additional housing in Templecombe.

CONSIDERATIONS

Principle of Development

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

Policy Context

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

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

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

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

The overall spatial strategy and settlement hierarchy for the District in relation to housing growth is contained within adopted Local Plan Policies SS1, SS2, SS4 and SS5.

Policy SS1: 'Settlement Strategy' highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which Policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)".

In effect, the policy places each settlement into a tier within the 'settlement hierarchy', based on their role and function within the district. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.

Policy SS5 sets out minimum housing requirements and attributes a level of growth to each of the main settlements within the hierarchy. Abbas and Templecombe is identified within the overall Rural Settlements target of at least 2,242 dwellings.

The settlement of Templecombe is categorised as a 'Rural Settlement' and benefits from a range of local community services and facilities within it, including a railway station, primary school, convenience shop/Post Office, village hall/meeting rooms, GP services, recreation ground, children's play area, and faith facilities. This means that it qualifies for limited growth under Local Plan Policy SS2 Rural Settlements. For Rural Settlements that meet the qualifying criteria, growth is strictly controlled and limited to that which provides employment opportunities and/or, creates or enhances community facilities and services and/or meets identified housing need, particularly for affordable housing. Development is also expected to be commensurate with the scale and character of the settlement and increase the sustainability of the settlement in general.

In assessing the application proposal against these criteria in Policy SS2 it is considered that:

- (i) Although no employment uses are proposed as part of the application, the construction of new homes would create temporary employment opportunities, such as the provision of construction work supporting the local economy.

The application proposal includes community uses (Use Classes E [Commercial, Business and Service], F1 [Learning and non-residential institutions] and / or F2 [Local community]), which will provide space for a range of community uses, including a potential GP surgery or health centre. Officers have contacted the NHS to confirm this position and discussions with a local GP surgery are on-going, with an interest expressed by the local GP to taking on new healthcare premises within the application site.

The extent of the proposed 'community land' is indicated on the submitted Illustrative Masterplan dated 18.11.22 (drawing ref. 1330.02) and the Parameter Plan dated 15.03.2023 (drawing ref. 1330.03A). To ensure that such allocated land would be reserved for future community uses, it is recommended that this is

the subject of inclusion within a Section 106 Agreement to ensure that the land, with pedestrian and vehicular access, is serviced, safeguarded, and reserved for community uses falling under Use Classes E, F1 and / or F2, which will provide space for a range of community uses including a potential GP surgery or health centre, free from any land contamination issues and/or archaeological constraints.

Furthermore, the application proposal would indirectly enhance existing community facilities via payment of S106 monies towards community facilities.

The Council's Strategic Planning Team (South) has advised that the proposed development of 140 dwellings would generate a need for 624.4 square metres of space for equipped play, 156.1 square metres of space for youth facilities, 3,746.4 square metres for playing pitches, and 32.78 square metres for changing rooms. In accordance with Local Plan Policies HW1 and SS6, it is considered that the best way to mitigate the generated need would be to increase the provision of improvements to these types of facilities at Templecombe Recreation Ground through off site financial contributions.

Appropriate financial contributions for off-site equipped play area provision would be £118,832; for off- site youth facilities would be £23,333; for playing pitches would be £55,234; and changing rooms would be £100,966. Total contribution £298,365. Commuted sums for equipped play areas would be £68,639; for youth facilities would be £8,627; for playing pitches would be £33,526; and for playing pitch changing rooms would be £8,122. Total contribution £118,914.

The overall contribution total (including service administration fee) would be £421,452 (or £3,010 per dwelling). This would be secured within a Section 106 Agreement, including the payment of relevant legal fees and administration costs.

- (ii) The delivery of up to 140 homes will contribute positively to meeting the Council's identified housing need across the Plan period, as well as helping to ensure the supply of housing land in the short term. The Council can currently demonstrate 3.29 years of housing land supply, significantly short of the requirements of the NPPF. The principal cause of the current housing land supply shortage is the inability of many new housing developments to mitigate the impacts of phosphates within the Somerset Levels and Moors Surface Water Catchment Area. The application proposal is unaffected by phosphates, as Templecombe is located outside of the phosphate risk area and is therefore capable of being delivered within the next 5 years, helping to deliver much needed housing

development within the District.

- (iii) It is arguable whether the development would be commensurate with the scale and character of the settlement, when considered in the context of housing growth within the plan period. The level of housing should this application be granted permission would equate to the levels of growth allocated to the larger Rural Centres such as Martock and South Petherton, both of which have a significantly greater number of dwellings, larger populations, a wider range of services and facilities, and a defined retail role.

As such, it should be acknowledged that the proposal is not necessarily commensurate with the scale and character of the settlement as 140 dwellings would represent a significant increase to the size of the village in absolute terms. It also does not generally have the support of the local community. Thus, the scheme does not fully comply with Policy SS2.

However, as the Council cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. The LPA cannot rely on the proscriptions of that policy regarding scale and character and general community support but must accept that the settlement is broadly sustainable and capable of supporting some residential development. Although the proposal is contrary to Policy SS2, only limited weight can be applied to this adverse impact in the overall planning balance. Concern has been raised locally regarding the inherent unsustainability of the location. However, it is noted that the settlement contains a variety of services and facilities including a local convenience shop, village hall, church, children's play area, primary school, railway station and a large employer (Thales). In summary, the application proposal is in a suitable and sustainable location for development.

National Planning Policy Framework

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

As the Council are unable to demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development outlined at NPPF paragraph 11d is engaged for the purposes of determining this application.

Housing Land Supply

Monitoring demonstrates that from the beginning of the adopted Local Plan period (2006) to 31 December 2022, 73 dwellings have been delivered within the parish of Abbas and Templecombe. As at the 31 December 2022, there are commitments (extant planning permissions) for a further 133 dwellings. As a result, there is potentially a total of 206 dwellings to be delivered within the Plan period (2006 - 2028) and this figure would rise to 346 dwellings should an application for 140 dwellings be granted planning permission.

The Templecombe built up area has a population of 1,700 (based on Census 2021). In the 2011 census the number of dwellings recorded in the parish was 746. Completion records demonstrate 21 dwellings were completed during the plan period prior to the census, leaving a further 52 dwellings completed from 1 April 2011 to 31 December 2022. Together with the existing commitments (133) this would deliver 185 dwellings (if all commitments are built out) - meaning a 25% (rounded) increase in dwellings within the parish over the plan period. With the 140 dwellings proposed this would result in 325 dwellings - a 44% (rounded) cumulative increase in the number of dwellings within the parish over the plan period.

As is demonstrated above, Abbas and Templecombe is a Rural Settlement. Regarding the overall scale of growth, the number of homes built during the plan period so far equates to nearly 5 dwellings per year (rounded) (73 dwellings / 16 years (2006-2022) = 4.5 dwellings per annum). If existing commitments are to be built out and a further 140 dwellings were to be approved, this would potentially equate to almost 16 (rounded) dwellings per year over the entire plan period (346 dwellings (73 completions, 133 commitments, 140 proposed) / 22 years (2006-2028) = 15.7 dwellings per year). This equates to the level of growth prescribed to higher tier Rural Centres that are considerably larger and provide a greater level of community services and facilities.

The applicants have stated that a significant consideration should be given to the ability of this site to assist in addressing housing supply issues in the short-medium term in an area that is not within the catchments affected by phosphate pollution. The proposal also includes provision of 35% affordable housing which is consistent with policy.

The Council published, in October 2023, a Five-year Housing Land Supply for the five year period from 1st April 2023 to 31st March 2028 applying the Area South (the former South Somerset District Council area) and can only demonstrate a housing land supply equivalent to 3.29 years - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation. The Council acknowledges that this means that the tilted balance in paragraph 11 d) of the National Planning Policy Framework (NPPF) now applies to the decision-making process.

In conclusion, any recommendation must be made in the context of paragraph 11 d) of the NPPF having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and considering the nature and extent of the shortfall in housing land supply. The Council accepts that it is unable to demonstrate a deliverable five year housing land supply and that a presumption in favour of sustainable development exists. As referred to above, paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development and grant permission when decision taking where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites with the appropriate buffer), and therefore less weight can be afforded to policies that affect the supply of housing. Paragraph 11 is therefore a significant material consideration with regard to the tilted balance in favour presumption of sustainable development.

Emerging Local Plan Review (2106-2036)

Work on the emerging Local Plan Review (LPR) has ceased and will no longer be progressed following the formation of the current Somerset Council on 1st April 2023.

Two consultations took place under Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012, the most recent consultation on Preferred Options ending in September 2019. In the Preferred Options Plan, Abbas and Templecombe was identified in a new Village tier of the settlement hierarchy and

would qualify for limited development to meet local needs, support local services and economic activity, appropriate to the scale of the settlement (Policy SS1). The Local Plan Review Preferred Options document explained that Villages are settlements which are considered to be sustainable locations for small scale growth and were identified as a result of having undertaken an assessment of a number of larger Rural Settlements. Overall, the LPR anticipated 1,314 dwellings being delivered in 12 Villages over the plan period which would equate to an average of 60 homes in each qualifying settlement over the 20-year plan period.

Several objections were received in relation to Policy SS1 including concern about reclassifying Abbas and Templecombe as a Village in the settlement hierarchy. As the emerging Local Plan Review was at an early stage in its preparation and objections have not been considered, and mindful it will no longer be progressed, it is judged that limited (if any) weight can be attached to it (paragraph 48 of the NPPF).

Planning Balance

According to evidence in the Local Plan Review document "The Potential for Rural Settlements to be Designated 'Villages' (November 2018), Abbas & Templecombe is the fourth largest Rural Settlement with a good level of local service provision, including a primary school, local convenience shop/Post Office, village hall, faith facility, doctor's surgery, and children's play area. The former pub has been converted to a convenience store on the High Street. There is also significant employment provision within the settlement, reinforced by a fairly recent permission for an industrial building (Use Class B2) opposite Thales. Templecombe is also well serviced by bus routes, which provide frequent direct links to Yeovil, the District's Strategically Significant Town. Templecombe also has a train station which offers direct services to London Waterloo, Salisbury, Axminster and Yeovil (on the Exeter/Waterloo line) and the A357 passes through the settlement to join the A303 at Wincanton, 5 miles to the north. On this basis, the proposed development is in a sustainable location, allowing future residents access to a range of day-to-day facilities and services.

It is acknowledged that concern has been raised locally regarding the perceived sustainability of the location. However, mindful of the variety of services and facilities referred to above, the settlement is a sustainable location that can support a reasonable level of housing growth. In addition, the sustainability credentials of Templecombe are further supported by the Manor Farm, Combe Hill, appeal at Templecombe (LPA ref. 19/03416/OUT). The Appeal Inspector acknowledged in July 2021 that Templecombe and the appeal site (located c. 150 metres east to the site to which this application relates) were in "a particularly sustainable location in terms of accessibility to local services and public transport" (para.47). This weighs in favour of the application, having regard to Policy SD1.

Templecombe is, therefore, considered to be a sustainable location that can support a reasonable level of housing growth and granting permission would contribute positively to the Council's supply of market and affordable housing, with the accompanying social and economic benefits. The provision of community facilities would be a significant benefit to the local community, acknowledging the criteria in Policy SS2 of creating or enhancing community facilities and services to serve the settlement and/or meet an identified housing need, particularly for affordable housing.

Granting planning permission would contribute positively to the Council's supply of market and affordable housing, with the accompanying social and economic benefits. The residents of the new homes would support local businesses through their expenditure. The application proposal includes a policy-compliant 35% affordable housing provision. In addition, there would be temporary economic benefits during the construction phase in that construction jobs would be generated together with associated expenditure in the local economy. Although these economic benefits that would arise during the construction period would be temporary, nevertheless it is considered that such material considerations should be given weight.

Nevertheless, in coming to a decision on this application, these benefits should be considered with, *inter alia*, any other impacts (positive or negative) identified, including adverse impacts against the harm to the settlement hierarchy defined in Policy SS1, and inconsistency with Policy SS5 that requires the scale of development to be commensurate with its tier in the settlement hierarchy.

As clarified previously, it is arguable whether the proposed development would be commensurate with the scale and character of the settlement, when considered in the context of housing growth within the plan period (i.e. the completions and commitments already granted within the plan period, together with those approvals that are imminent) as the level of housing, should this application be granted permission, would equate to the levels of growth allocated to the Rural Centres such as Martock and South Petherton. The size of settlement can be seen in context to be similar to the Rural Centre of Stoke-sub-Hamdon (771 dwellings in 2011 and 1,400 population in 2021). However, the level of growth directed to that Rural Centre (51 dwellings) is considerably lower than the growth already permitted at Templecombe. Therefore, the proposal must be considered contrary to Local Plan Policy SS1.

It is also noted that the application proposal does not generally have the support of the local community. As such, the scheme does not fully comply with Local Plan. However, as the Council cannot currently demonstrate a five year supply of housing

land, elements of the policy must be considered out of date. The LPA cannot rely on the proscriptions of that policy in regard to scale and character and general community support but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal is contrary to elements of Policy SS2 of the Local Plan, only limited weight can be applied to this adverse impact in the planning balance.

Local concern has been raised as to whether there is a need for new homes in Templecombe or in the district. However, there is a district-wide shortage of housing, particularly in the short-term, as evidenced by the Council's land supply. The application proposal will contribute up to 140 dwellings towards meeting the Local Plan housing requirement and local housing needs. A perceived lack of a local requirement for the housing does not outweigh the district wide requirement for housing.

There has been concern expressed locally about the level of development proposed and the impact on the provision of local infrastructure, in particular in relation to the primary school and medical facilities.

The Education Authority advises that a financial contribution would be required towards the expansion of early years development, primary development and SEN development. This development of 140 dwellings would generate 13 early years pupils, 45 primary pupils and 2 SEN pupils. In accordance with current build costs, the Education Authority seeks financial contributions to achieve the necessary build to accommodate the extra children from this development. This would amount to £275,444 for early years/pre-school, £953,460 for the primary school expansion, and £224,336 towards SEN to be secured within a Section 106 Agreement. King Arthurs secondary school currently has capacity and therefore no funding is required for that school at present.

Other than this, such concerns are not supported by other technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. healthcare, sewers etc.) have been identified in Templecombe by the providers in relation to the currently proposed development. As such, even when taking potential cumulative impacts into account, the concerns are not sufficient reason to warrant refusal of the scheme.

Presumption in favour of Sustainable Development - Counsel Opinions

Paragraph 11 of the NPPF applies the presumption in favour of sustainable development to application proposals where the policies determining the application are out-of-date. In the case of housing provision, footnote 7 of the NPPF confirms

that this includes situations where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

However, the fact that policies relevant to the supply of housing are deemed out-of-date by reference to the NPPF does not mean they should be ignored. As confirmed by several judgments the NPPF does not displace the statutory framework for the determination of planning applications and does not prescribe that little or no weight be given to housing supply policies, that is a matter for the judgement of the decision-maker dealing with a particular application and the facts of each individual case. There are various Supreme Court judgements and High Court judgements in this respect and makes it clear that *"the absence of a five-year supply of housing land is not necessarily conclusive in favour of the grant of planning permission. Furthermore, and for the avoidance of doubt, Paragraph 11 of the NPPF is not irrefutable, and the analysis of material considerations may indeed move the decision-maker away from the presumption in favour of the grant of planning permission."*

With this in mind, legal advice has been sought from Counsel (the same barrister who represented the former SSDC at the Manor Farm appeal public inquiry) regarding the weight to be given in the determination of this application to any precedent set in the interpretation of adopted Local Plan Policy SS2 at the Manor Farm appeal, mindful that Policy SS2 is one of the more important Local Plan policies to be considered when determining the principle of this application proposal. Officers have undertaken a 'virtual' meeting with Counsel and, following such discussion, it has been concluded that:

- a) "Policy SS2 is one of the most important policies for determining this Bowden Road application and, given the lack of a deliverable 5 year housing land supply, the weight to the policy ought to be reduced.
- b) The Manor Farm appeal decision is a material consideration, but it is not a sound basis to conclude that Policy SS2 should be given full weight, even when there is no 5 year housing land supply.
- c) The interpretation of 'need' in Manor Farm is a reasonable one considering the words of the policy, the supporting text, the context and purpose of the policy. However, that does not change the position on weight to Policy SS2 where there is no 5 year housing land supply.
- d) Finally, the LPA should also take into account supporting text paragraph 5.30 in the Local Plan when applying Policy SS2 to any development, taking into account the specific characteristics of the rural settlement in which the development is being proposed. In this particular case, Templecombe is recognised as a Rural Settlement that is relatively well served by job

opportunities and transport links.

The applicant has also sought Counsel advice from a different barrister during June 2023. The opinion provides further advice on the relevance that the Manor Farm appeal decision has to the determination of this current application at Bowden Road. The opinion identifies the key differences between the Manor Road appeal site and this planning application, including heritage significance; landscape and visual impact; community use; and housing land supply. With these in mind, the Opinion concludes that:

"There plainly are substantial differences between the Application and Manor Farm DL [appeal decision letter] in terms of their site characteristics, the developments proposed (and their impacts), the engagement of para. 11d)i NPPF and the worsening five-year housing land supply which do not make the two developments 'alike'. This has three consequences when determining the Application. First, they reduce the materiality of the Manor Farm DL. Secondly, they permit the Council to give little weight to the Manor Farm DL and, thirdly, they provide the Council with good reasons not to follow the Manor Farm DL and/or give that decision little weight".

At the Manor Farm appeal, Policy SS2 (and, therefore, local housing need in this regard) was only a consideration as the tilted balance (NPPF para 11d) was not engaged. The Inspector considered that the heritage impacts arising from the appeal development disengaged the tilted balance (in accordance with footnote 7 of the NPPF) and therefore Policy SS2 was not out-of-date and was attributed full weight.

In determining this planning application, in line with para 11d of the NPPF, the housing policies of the Local Plan (including Policy SS2) are out-of-date. As there are not any restrictions under footnote 7 which disengage the tilted balance, the decision-maker is required to undertake the planning balancing exercise, weighted towards granting planning permission. There must therefore be compelling reasons for planning permission to be withheld.

As the Council is only able to demonstrate a sufficient supply of deliverable sites to meet 3.29 years' worth of housing land, in accordance with the NPPF, the relevant housing land policies for the determination of this application are considered out-of-date. To this end, reduced weight should be applied to Local Plan housing policies SS1, SS2, SS4, and SS5, and the "tilted balance" towards granting planning permission is engaged, unless the adverse effects significantly and demonstrably outweigh the benefits. With that in mind, it is considered that the benefits outlined within this report, namely the delivery of new homes to meet an identified housing need, the provision of up to 49 affordable homes, the community benefits, as well as

stimulus to the local economy, significantly outweigh any adverse impacts.

Visual Impact

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

A Peripheral Landscape Study of Templecombe, undertaken in 2008, assessed the capacity of the settlement fringe to accommodate new development in a landscape sympathetic manner. The application site was assessed as being in both an "Area of moderate landscape sensitivity" and an "Area of high landscape sensitivity" (identified in Figure 2 of the Study), and also assessed as being mainly in an "Area of moderate visual sensitivity" but with the western field being in an "Area of high visual sensitivity" (identified in Figure 3 of the Study). In addition, the Study identified the site as having a mixed landscape capacity to accommodate built development, ranging from moderate to moderate - low with the western field falling in the category of landscape with a low capacity to accommodate built development. The potential landscape impact of a proposal of this size would be an important factor to take into consideration.

There has been local concern expressed as to the position of the proposed development and the impact it would have on the character of the area and the wider landscape. In this respect it should be noted that the site is not subject to any special landscape protection designations.

The application proposal has been accompanied by a Landscape and Visual Appraisal, an Arboricultural Impact Assessment, and a BS 5837:2012 Tree Schedule.

The Council has sought advice from an independent Consultant Landscape Architect (the same Consultant Landscape Architect that acted as the former SSDC's 'expert' landscape witness at the Manor Farm appeal public inquiry). He has visited the site and surrounds and notes that the site lies outside the settlement boundary and therefore in open countryside. However, it is clearly right beside and heavily influenced by the adjacent residential development along Bowden Road. The site comprises three fields with two internal hedges, and the scheme has been designed in such a way as to contain development within these primary blocks although there will be a short break in each of the hedges to facilitate the road access. The scheme has also been designed in a way that retains these hedges within areas of open

space as opposed to having them abut new houses which always provides long term management issues.

There are no Public Rights of Way on or crossing the site. There are relatively few PROWs in the wider area which restricts the number of publicly accessible views towards the site.

In terms of landscape character, the Consultant Landscape Architect notes that the site is not subject to any landscape-based designations and is not a 'valued landscape'. It is acknowledged that it has a local value, considered by him to be 'medium'. The Templecombe Peripheral Landscape Study (TPLS) concludes (Fig 2) that the eastern field is of 'moderate landscape sensitivity' with the central and western fields being 'high landscape sensitivity'. In addition, the site is part of the 'Wooded Ridges and Clay Vales' landscape character area (LCA). It is adjacent to and therefore closely associated with the existing settlement to the north and east. Whilst there will be a clear and obvious change in character to the site itself, the Consultant Landscape Architect does not consider that this scheme would cause unacceptable harm to wider landscape character.

In terms of visual impact, the TPLS notes (Fig 3) that the eastern and central fields are of moderate visual sensitivity' with the western field being 'high visual sensitivity'. On his site visits he found that the actual extent of visibility is limited by local topography and vegetation to mean there are no longer distance views of the site and that the actual extent of meaningful views (equating to what is known as the 'Zone of Visual Influence' or ZVI i.e. the area within which the scheme would have an influence) extends in an arc approximately following the public footpath to the south from where it enters / exits Bowden Road to the SW, to Martin's Copse, Windmill Hill and across to Yenston / Yenston Hill.

In all those views back towards the site, houses already exist in the view and the proposal would be altering the configuration and bringing them towards the viewer by some 80 metres (his estimate). Given intervening vegetation and topography, that is a relatively short distance and the change in view would be considered as relatively minor.

It is clear that local residents i.e. those living beside the site, are of high sensitivity and would experience a change that is major in magnitude. The result would be major adverse on this group of receptors, and this is acknowledged by the LVIA. As originally submitted, with the exception of the orchard feature, the Parameters Plan indicated no mitigation whatsoever along the northern boundary. This was deemed to be unacceptable because it is this group of receptors who would experience the

greatest degree of harm, yet this had not been addressed appropriately. As such, the Consultant Landscape Architect recommended that a zone of planting (with sufficient space for access / management) must be included along this boundary, and this must be addressed and also be reflected in the parameters plan.

The scheme would be visible from Yenston Hill but, logically, only when approaching Templecombe. This is a bendy and undulating road where road users are focussed on the road, so he does not consider this to be an issue.

Overall, except for the comments around residents to the immediate northern boundary, the Consultant Landscape Architect opined that there would not be an unacceptable degree of visual impact.

In conclusion, he has advised that there would be harm to landscape character with the change from agricultural land to a housing scheme. However, the land is already heavily influenced by adjacent housing. The scheme is well designed in that the housing is well contained within the existing field pattern and existing hedgerows retained and respected. There would be harms to visual amenity, and it is acknowledged that those receptors who have been used to the view of an attractive sloping landscape would no longer have those views.

Whilst accepting that this is an outline application that seeks to establish the principle of development, nevertheless given the importance of the specific of this layout and this landscape arrangement / treatment, he suggested that the existing vegetation should be added to the parameter plan and the orchard feature be included as a 'green infrastructure area'. The parameters plan would also need to include space for appropriate mitigation along the northern boundary. Planning conditions can be attached to cover the detailed landscape design and implementation.

Overall, there will be harms but he concurs with the LVIA in that they will be within acceptable levels and should not, in themselves, be a reason for refusal.

Following discussions, an amended Parameters Plan was submitted, and the following was confirmed by the Consultant Landscape Architect:

- a) For the northern boundary, this should comprise an area which allows the long-term maintenance and management of the existing vegetation, to ensure the mitigation provided by this hedgerow/trees could be maintained in perpetuity. Also, there would be selected enhancement to this boundary, through 'gapping up' or underplanting, where this was necessary. In terms of the presentation of this on the supporting plans, this would be shown as outside of the built

development area.

- b) The amended Parameters Plan (no. 1330.03a dated 15.03.23) is acceptable in terms of his comments above. Should the scheme receive a planning permission, then planning conditions would still be required to cover the detailed landscape scheme.
- c) His overall conclusion is confirmed as 'No Objection - subject to conditions'.

The Council's Trees, Hedgerows & Landscape Specialist (Planning) has noted the details indicated on the outline layout masterplan, along with the landscaping information that it contains, and the supporting arboricultural information. Subject to securing suitable tree and hedgerow protection measures, along with an effective scheme of carefully detailed hard and soft landscaping measures, he has raised no arboricultural objections to this outline proposal. Conditions are recommended relating to the submission and approval of tree and hedgerow protection measures prior to commencement of development and also the submission of a hard and soft landscaping scheme.

This is an outline application which seeks to establish the principle of development and access. All other matters of appearance, landscaping, layout, and scale are reserved for future submission, consideration and determination. An illustrative Masterplan has been submitted indicating where and how the quantum of 140 dwellings could be accommodated on the application site. Having due regard to the comments received from the Council's Consultant Landscape Architect and its Trees, Hedgerows & Landscape Specialist, it is considered that residential development could be provided on the site without causing unacceptable detriment to the landscape character and appearance of the area.

Furthermore, it is considered that the illustrative Masterplan has demonstrated that the proposed quantum of residential development (together with associated curtilages, residential paraphernalia, garaging/parking areas, access roads and drives thereto), land made available for community uses, public open space, landscape planting, biodiversity enhancements, vehicular access from Bowden Road, and associated infrastructure works can all be accommodated on the site without resultant unacceptable detriment to the character and appearance of the area.

Consequently, it is considered that the proposed development would comply with Policy EQ2 of the Local Plan.

Access and Highway Safety

Local Plan Policy TA5 requires all new development to securing inclusive, safe and

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

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

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 108 of the NPPF advises that maximum parking standards for residential and non- residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

Access is considered at this stage. The proposed development proposes a vehicle and pedestrian access onto Bowden Road, and an emergency access / pedestrian and cycle access onto Combe Hill (A357) with provision of a new footway. Also proposed are:

- Tactile paving on Bowden Road / A357 Combe Hill junction;
- Tactile paving and dropped kerbs added to aid crossing on Station Road;
- Dropped kerbs and tactile paving on A357 Church Hill / Throop Road junction;
- Tactile paving added to existing dropped kerbs at Methyr Guest Close at the junction with Vine Street;
- Tactile paving on existing dropped kerbs at the northern and southern end of Westcombe; and
- Dropped kerb and tactile paving on Westcombe at Vine Street junction

Much local concern has been raised about the inadequacies of the highway infrastructure to cope satisfactorily with not only existing volumes of traffic but also the increased traffic generations that would result from this proposed development, together with those from the other unimplemented approvals for additional housing.

The Highway Authority's comments and recommendation have been set out in full previously in this report. In its initial consultation response dated 8th March 2023, the Highway Authority raised no objection subject to conditions and S106 obligations,

concluding that:

"Whilst this Authority accepts local opinion may not support the proposal, in highway terms this Authority's assessments do not highlight any grounds on which to base an objection. The Travel Plan should be secured in an Agreement under s106 Town and Country Planning Act 1990. This Agreement should also cite s278 Highways Act 1980 in order to secure the following highway works:

- *New site access onto Bowden Road*
- *New cycleway footway to the east onto A357 (Combe Hill)".*

If planning permission were to be granted for this development proposal, the Highway Authority has recommended various highways related conditions and mitigation measures reflected in Section 106 requirements, planning conditions and informatives. A section 106 Agreement should secure the Travel Plan, the new site access onto Bowden Road, and the new cycleway footway to the east onto A357 (Combe Hill). Conditions are recommended relating to the submission and approval of highway infrastructure prior to construction and occupation; construction of new accesses prior to commencement of further development; provision of suitable visibility splays; construction of highway infrastructure to at least base course level to serve each dwelling prior to its occupation; provision of parking and turning spaces (including an electric vehicle charging point for each new dwelling); surface water disposal provision; submission of a construction management plan prior to development commencing; and construction of cycleway and footway linking the site to Combe Hill to the east, and making them available for public use, prior to first occupation of any dwelling.

Whilst the Highway Authority accepts local opinion may not support the proposal, in highway terms the Authority's assessment does not highlight any grounds on which to base an objection. The Highway Authority is content the development will not create a severe highway safety or efficiency issue.

Overall, the application site is in a sustainable location, having regard to the scale of development proposed and the role and function of the settlement which benefits from a variety of local facilities and amenities. The increase in vehicle movements as a result of the proposed development does not give rise to an objection on traffic generation or highway safety grounds from the Highway Authority and is therefore deemed to be acceptable in accordance with Local Plan Policies TA5 and TA6 and relevant guidance within the NPPF.

Flooding and Drainage

The application site is at a low risk of flooding, lying as it does within Flood Zone 1.

The LLFA has reviewed the submitted supporting Flood Risk Assessment and Drainage Strategy and has raised no objection in principle to the proposed development, as submitted, subject to a drainage condition being applied to any grant of outline permission.

Both Wessex Water and the Environment Agency have been consulted and have raised no objection to the development.

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

Ecology

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

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

Somerset Ecology Services (SES) has noted that the applicant's ecological consultants, EAD ecology, conducted an Ecological Impact Assessment (EcIA) of the site in December 2022. The EcIA details the preliminary surveys as well as the phase 2 surveys (including: bat activity/transect/roosting, breeding bird, reptile, GCN, badger, dormouse, hedgerow, water vole, otter, and habitat condition surveys) conducted on site. No further surveys were recommended in the report (aside from pre-works badger and otter checks - but these should be conducted after planning permission is granted and immediately before the works starts).

Protected / notable species (taken from report)

- Plants: English bluebell, a notable plant species which receives partial legal protection was recorded within the woodland on Site.
- Invertebrates: Common and widespread invertebrate species. The presence of significant populations of notable species was considered unlikely.
- Amphibians: Due to the lack of great crested newt records within 2km of the Site, the absence of suitable breeding habitat on-Site and sub-optimal breeding habitat within 250m of the Site boundary, this species is considered

absent from Site. The Site provided suitable terrestrial habitat for common amphibians including common toad.

- Reptiles: A 'Good' population of slow worm and a 'Low' population of grass snake. Suitable foraging habitat was limited to grassland and arable margins, hedgerows may also provide hibernation habitat and movement corridors.
- Birds: Nesting habitat for widespread bird species, including notable species such as starling, linnet and dunnock; all Priority Species.
- Dormice: Hazel dormouse was not recorded within the Site and considered to be absent.
- Badgers: An active main badger sett was recorded along the southern Site boundary along with three active outlier setts. The Site provides suitable foraging habitat for badgers.
- Bats: A minimum of nine bat species were recorded foraging and/or commuting within the Site including low numbers of greater and lesser horseshoe, Myotis species, long-eared species and barbastelle bat. The highest levels of bat activity were recorded in the south and west of the Site along the edges of the woodland/stream corridor. Based on the recorded activity, it is considered likely that this corridor a regular foraging and commuting route for common pipistrelle and Myotis species. Eight trees were identified as having 'Low' bat roost potential and three as having 'High' bat roost potential (Collins 2016) within the Site. None of these trees would be affected by the development proposals.
- Otter: Evidence of otter was recorded on Site and periodic use of the watercourse within the Site by otter is therefore assumed.
- Water Vole: No signs of water vole were recorded on Site, there were no records of water vole within 2km of the Site and habitats on Site were sub-optimal, therefore this species was considered absent from Site.
- Hedgehog: The Site contained suitable habitat for hedgehog; presence was assumed. Extensive alternative habitat for hedgehog occurred in the immediate vicinity and the Site was considered unlikely to be of particular importance for this species.

In addition, following advice from a neighbouring property owner about the presence of great crested newts in his pond, EAD visited the site and undertook a GCN DNA test of the pond. The testing confirmed the presence of great crested newts. To mitigate for the loss of GCN terrestrial habitat, and mindful the site lies within the Somerset Natural England District Level Licensing (DLL) Scheme, which provides a means to discharge legal and planning obligations concerning GCN through payment of a financial contribution to deliver strategic habitat creation, the applicant has attained a DLL as the most appropriate approach to mitigation. The Council has received a Great Crested Newt District Level Licence Impact Assessment and

Conservation Payment Certificate (IACPC) for Land South of Bowden Road Templecombe, which has been countersigned by Natural England. Should planning permission be granted for the development scheme on the adjoining site, the License would ensure that relevant obligations under the Conservation of Habitats and Species Regulations in respect of great crested newts are met.

SES has raised no objection subject to the imposition of biodiversity enhancement and ecological mitigation conditions. Also, it seeks the inclusion of an informative to be attached to any granted permission advising that the permission shall be read alongside the requirements of the District Level Licence for Great Crested Newts (GCN) which has been obtained under the District Level Licencing number DLL-ENQ-SOMT-00066. Should any changes to the proposals occur which have implications to the remit of the Licence, the developer/applicant must consult a suitably qualified ecologist, Natural England, and the Local Planning Authority for further advice prior to any commencement or continuation (whichever is relevant) of the development scheme.

With the incorporation of such conditions and informative, it is considered that the proposed development would not conflict with the aims and aspirations of Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

Residential Amenity

Due to the application site's edge of village location, potential for residential amenity concerns is limited to impacts on existing residential properties on the northern and eastern boundaries of the site. Concern has been expressed by nearby residents about impact on amenity.

It is accepted that there would be some impact on residential amenity. To help ameliorate any such impact on the amenities of the existing properties along Manor Close, which lie closest to part of the application site's northern boundary, such that they are not impacted to any significant degree, as set out earlier within this report, it has been agreed with the applicant that the northern boundary would comprise an area which allows the long-term maintenance and management of the existing vegetation, to ensure the mitigation provided by this hedgerow/trees could be maintained in perpetuity, together with a suggested selected enhancement to this boundary, through 'gapping up' or underplanting, where this was necessary.

The above details are shown within the revised parameter plan (Drawing ref. 133003 03A Parameter Plan dated March 2023).

As the application proposal is in outline form, future detailed matters relating to scale, layout and appearance are reserved for future consideration by the Council. As such, the submitted layout shown on the illustrative masterplan Drawing ref. 1330.02 is indicative only. It is considered that the site is adequate to enable an appropriate scheme to be designed that would avoid any substantive harm to neighbour amenity in terms of significant and unacceptable dominance, overbearing impact, overshadowing, overlooking and loss of privacy.

It is acknowledged that any proposed residential development on the site could result in loss of views currently enjoyed by some existing residents. However, planning decisions must be based solely on material planning considerations. The scope of what constitutes a material consideration is very wide. In general case law has taken the view that 'planning' is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. In this same vein, the loss of private view is not an overriding material planning consideration that can be taken into account.

The Council's Environmental Health Officer is mindful of the proximity of the proposed development to nearby existing properties and recommends the imposition of a site-specific Construction Environmental Management Plan (CEMP) condition to safeguard residential amenity during the construction process. The Plan would need to demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

For these reasons, and with the inclusion of the recommended CEMP condition, the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

Archaeology

Paragraph 194 of the NPPF advises that, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 205 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Historic England has been consulted but has responded by commenting that, in this case, it does not wish to offer any advice, other than to recommend that the LPA is guided by the advice of its specialist archaeological adviser at South West Heritage Trust (SWHT) in this regard and in all other matters pertaining to the investigation and treatment of archaeological remains on the site."

SWHT has been consulted and advises that the submitted Heritage Assessment and Geophysical survey report indicates that any archaeology on this site are likely to be of local significance. The geophysical survey results do provide some evidence that there are limited remains of archaeological potential which will be impacted by this proposal. These remains are most probably relating to medieval (or post-medieval) agricultural activity and/or possible associated with a windmill being situated on the site, based on cartographical evidence.

For this reason, SWHT recommends that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the NPPF. This can be secured by the use of a condition attached to any permission granted.

Designated Heritage Assets

As advised by the Council's Conservation Specialist, the nearest designated heritage asset is the Grade II* listed Manor House which is located to the north of the site on the opposite side of the A357 and separated by the Manor Close residential development to the south of Bowden Road. As such, the proposed development would have no direct impact on this designated heritage asset because the existing housing development forms a screen between the proposed development site and the listed building. No heritage observations are raised by the Conservation Specialist.

Other Material Considerations

Foot and Mouth Disease Burial Site

Representations have been received from residents stating that there are contaminated land issues with the application site. This is because there is "compelling anecdotal evidence" that, within the fields forming the proposed development, in circa 1967, during the then outbreak of 'foot and mouth disease', part of the land was used as a burial site for slaughtered animals and their carcasses interred therein. So strong is this claim that residents are stating that this must be thoroughly investigated. It is understood DEFRA (Department for Environment and Rural Affairs) would require strict controls over any disturbance and use of such land.

Local Plan Policy EQ7: Pollution Control is of relevance. Development that would result in air, light, noise, water quality or other environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. This may be achieved by the imposition of planning conditions or through a planning obligation.

Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities. After remediation, as a minimum, land should not be capable of being determined as contaminated land under the Environmental Protection Act 1990. Also adequate site investigation information, prepared by a competent person, should be available to inform these assessments.

Paragraph 184 clarifies that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Whilst initial site investigation showed no evidence that the site was used a burial ground, following receipt of this concern from residents, the applicant instructed further investigations to provide absolute clarity on the matter. Further site investigations were duly carried out on 5th April 2023 to be used in the compiling of a full report into the matter.

This resulted in further third party comment criticising the grid position used, stating that the grid system plotted by GPS should be at the minimum of 10 metre centres which would then define geological hazards, soft alluvial materials, contamination and groundwater. Concern was expressed that the large grid system being used would not cover the contaminated areas.

During May 2023, the applicant submitted a 'Phase 2 Geo-environmental and Geotechnical Site Investigation' report prepared by RSK Geosciences. The survey objectives were to identify any land contamination and/or geotechnical constraints of the site; and to identify the need for any additional investigation or remediation works. In summary, the survey found that:

- a) Ground Model: no significant visual or olfactory evidence of soil contamination was observed during the course of intrusive investigation; and
- b) Geo-environmental Assessment: the site investigation and subsequent quantitative risk assessment confirmed the absence of elevated contaminant

concentrations within the soil profile across the site. It also found that the site is not located within an area that requires radon protective measures. Notwithstanding this, the report recommends that vigilance should be maintained during development for any undiscovered adverse ground conditions. A watching brief should be implemented during any development works at the site, with a strategy to address any unforeseen ground conditions that may affect the identifies sensitive receptors.

The agent also responded to the residents' concerns regarding the grid positioning used. The site investigation report included an investigation strategy and methodology section containing objectives, selection of investigation methods and the adopted investigation strategy (targeted and non-targeted boreholes and trial pits). Appendix A of the report provides a detailed overview and justification of the process.

The concerns raised by residents about foot and mouth burials, and the subsequent receipt of the Phase 2 Geo-environmental and Geotechnical Site Investigation' report, were brought to the attention of the Council's Environmental Health team, the Environment Agency, and Natural England and detailed comments from each were requested.

Natural England had no comments to make, stating that it only provides detailed advice on applications that pose a risk to nationally designated sites and landscapes. None of Natural England's Impact Risk Zones are triggered in this case.

The Environment Agency (EA) has advised that the burial of animal carcasses is anecdotally recorded as 1969 which allows for greater than 50 years degradation. The EA has referred to a report by Defra's Science Advisory Council on 2001 Foot and Mouth Outbreak carcass Burial (published 15th March 2017). The advice in that report is that the risk of the Foot and Mouth Disease virus surviving from the date of the carcass burials in 2001 is negligible. The evidence is that the virus in any infected carcasses that were buried will not have persisted in the burial sites. In addition, based on the available evidence, the overall risk of other notifiable diseases spreading from the sites is very low. The EA also makes reference to the report where it indicates that the foot and mouth disease virus only has a 70 to 90 day survival rate and that after a period of greater than 50 years the potential source contaminants on site are likely to have naturally attenuated.

The Council's Environmental Health Team also refers to the Defra Science Advisory Council's report in that the strict control on disturbance of Defra sites for Foot and Mouth relates to the last outbreak whereby carcasses were buried. It is understood

that from the last outbreak, no animals were buried that had a positive test result; only culled animals as part of a preventative spread policy and had a negative result were buried. Defra's own research shows that this risk of Foot and Mouth being present is after 20+ years is very low. Thus, the risks from earlier outbreaks of the 1950s and 1960s still being present is negligible. Even if infected carcasses had been buried, the virus contained in them would not have been able to persist.

The Environmental Health Team has recommended that a contaminated land condition is attached to any grant of permission. This should take into account the potential for the site to be a burial site of animals from whatever Foot and Mouth disease outbreak and include the correct consultations with government depts such as Defra, and investigations, including the relevant and necessary sampling and soil description. The first part of the condition includes a desk study which should incorporate the consultation with Defra. The Environmental Health Team would review any submissions of contaminated land reports when submitted as part of the planning condition discharge request. The contaminated land condition would be a 'pre commencement' condition. As long as the investigation is carried out in accordance with industry best practice and British Standards, there should be no risk to members of the public or investigation personnel.

Whilst taking into account the understandable concerns raised by third parties about the issue of possible Foot and Mouth burials on the site, nevertheless having due regard to the advice received from both the Council's Environmental Health Team and the Environment Agency, this is not considered to be a material planning consideration that would justify a refusal of planning permission. The proposal does not conflict with Local Plan Policy EQ7 or relevant guidance in the NPPF.

Loss of Agricultural Land

Agricultural Land Classification is a system used in England and Wales to grade the quality of land for agricultural use.

Grade 1 - excellent quality agricultural land with no or very minor limitations.

Grade 2 - very good quality agricultural land with minor limitations which affect crop yield, cultivations or harvesting.

Subgrade 3a - good quality agricultural land with moderate limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land can produce moderate to high yields of a narrow range of crops or moderate yields of a wide range of crops.

Subgrade 3b - moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass.

Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range and level of yield of crops.

Grade 5 - very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing with the exception of occasional pioneer forage crops.

The application site comprises agricultural land classified as being Grade 3. Therefore, it is of good to moderate quality. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other considerations, recognising the economic and other benefits of the best and most versatile agricultural land.

There is no relevant policy within the Local Plan specifically applicable to agricultural land protection.

Mindful the site does not comprise "the best and most versatile agricultural land", it is considered that there would be no justifiable planning reason to refuse permission on the grounds of loss of this agricultural land.

Section 106 Contributions and CIL

The financial contributions requested by the Education Authority and the Council's Strategic Planning Team are noted, as is the recommendation from the Highway Authority regarding securing Travel Plan provisions and various highway mitigation measures.

The proposal involves the provision of affordable housing that would require a legal obligation to be entered into ahead of issuing any planning permission.

There would be a need to ensure that land, with pedestrian and vehicular access, is serviced, safeguarded, and reserved for community uses to include flexibility for use classes E, F1 and / or F2, the extent of such land as indicated on the submitted Illustrative Masterplan and the Parameter Plan, free from any land contamination issues and/or archaeological constraints.

In addition, there would be a need for the submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain public open space; the children's play area / LEAP; potential surface water attenuation pond or similar sustainable urban drainage system; landscape "buffer zones", including any retained and new hedgerows along the boundaries of and within the application site; and any roads

and/or footpaths that may not be adopted by the Highway Authority.

The application is also liable to CIL.

Conclusions and the Planning Balance

With no five year supply of housing land in Somerset, footnote 7 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where "*...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*"

As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "*For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development include the proposal bringing forward several contributions towards education provision, community, sport and leisure provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping the Council towards a five year housing land supply, improving the sustainability of existing village services and facilities and providing contributions in

the form of Community Infrastructure Levy (to be calculated at reserved matters).

Weighed against the benefits outlined above, the scheme would also cause some harm. Firstly, the policy is contrary to Policy SS2 of the South Somerset Local Plan. However, as highlighted above and confirmed by legal advice provided by Counsel, this particular harm can only be afforded limited weight as Policy SS2 must be considered out of date in the absence of a five year supply of housing land. Further areas of some harm, albeit limited, are the disturbance likely to be caused during the construction phase of the development.

Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the Highway Authority, or by any other consultees. Material planning considerations in respect of highways, drainage, ecology, landscape, possible contamination, and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions.

Given all of the above and having due regard to the 'tilted balance', it is considered that the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, outline planning permission should be granted.

In conclusion, the application is recommended for approval subject to completion of a Section 106 Agreement and various planning conditions and informatives, which include those recommended by consultees.

RECOMMENDATION

Permission be granted subject to -

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

a) Affordable Housing Provision

- (i) 35% affordable housing, split 75 / 25, Social Rent / First Homes on a pro rata basis.

Of this 35%, at least 10% of the total number of affordable homes must be available for affordable home ownership as part of the overall affordable housing contribution from the site.

- (ii) Numbers, type, and bedroom mix of affordable housing to be based on the

South Somerset Local Housing Needs Assessment 2021 and having regard to the expressed demand on Homefinder Somerset, comprising the following:

- 12% x 1 bedroom house, flat or bungalow
- 43% x 2 bedroom house or bungalow
- 37% x 3 bedroom house or bungalow
- 6% x 4 bedroom house (to be provided for social rent)
- 2% x 5 bedroom house (to be provided for social rent)

Based on an overall number of 49 affordable units being provided, this would equate to:

- 6 no. x 1 bedroom house, flat or bungalow
- 21 no. x 2 bedroom house or bungalow
- 18 no. x 3 bedroom house or bungalow
- 3 no. x 4 bedroom house (to be provided for social rent only)
- 1 no. x 5 bedroom house (to be provided for social rent only)

(iii) Exact details of tenure and locations on site shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Specialist.

- The affordable units shall form an integral and inclusive part of the layout.
- The affordable units shall be 'pepper potted' throughout the site with the affordable units in clusters of no more than 10 with social rented in each cluster
- The affordable units shall be developed to blend in with the proposed housing styles. The affordable dwelling units should comprise houses or bungalows or, if flats, have the appearance of houses.

(iv) Adherence to the following minimum space standards (GIA) for the affordable units:

1 bedroom flat	(2 person)	47sqm	
2 bedroom flat	(4 person)	66sqm	
1 bedroom house	(2 person)	55 sqm	
2 bedroom house	(4 person)	76 sqm	(86 sqm if 3 storey)
3 bedroom house	(6 person)	86 sqm	(94 sqm if 3 storey)
4 bedroom house	(8 person)	106sqm	(114sqm if 3 storey)
4 bedroom parlour house	(8/10 person)	126sqm	(134sqm if 3 storey)
5 bedroom house	(10 person)	126sqm	(134sqm if 3 storey)

NOTE: The 4 bedroom parlour has the same floor space as the 5 bedroom dwelling but is expected to provide 2 separate downstairs reception rooms in addition to the kitchen/diner. One of these reception rooms can be used as a

bedroom to accommodate an additional 2 people making it suitable for 10 people overall if needed.

- (v) Completion and fitting out so as to be available for occupation of not less than 33% (rounded down to the nearest whole number) of the affordable dwellings prior to occupation of 33% (rounded down to the nearest whole number) of the open market dwellings; and all the affordable dwellings to be completed and fitted out so as to be available for occupation prior to occupation of 67% (rounded up to the nearest whole number) of the open market dwellings;

- (vi) Prior to commencement of development, the Council's Housing Specialist to be informed of the selected affordable housing association partner for the delivery of the affordable units and arrangements for the transfer of the affordable units to that affordable housing association partner. The following is a list of the Council's main housing association partners, but this is not to be considered as exhaustive:
 - LiveWest Housing
 - Magna Housing
 - Stonewater Housing and,
 - Abri

- (vii) All social rented units to be made available to anyone registered on Homefinder Somerset; and

- (viii) Arrangements to ensure that the provision of affordable units is affordable for both first and subsequent occupiers of the affordable units, and the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.

b) Education Financial Contribution

- (i) Overall financial contributions of £1,453,240 (calculations based on 140 dwellings) to be paid to Somerset Council as Education Authority towards the improvement and/or expansion of early years/pre-school education (£275,444), primary education (£953,460) and special educational needs (SEN) (£224,336).

- (ii) Flexible formulae to be included should fewer than 140 dwellings be constructed, based on £1,967.46 for early years, £6,810.43 for primary, and £1,602.40 for SEN).

(iii) Initial payment prior to occupation of 33% of dwellings, second payment prior to 66% occupation of dwellings and final payment prior to 100% occupation of dwellings.

(iv) All education payments to be calculated with Building Cost Information Service (BCIS) indexation.

c) Equipped Play Area, Youth Facilities, Playing Pitches and Changing Rooms Financial Contribution

(i) Overall off-site financial contribution of £421,452 (calculations based on 140 dwellings) (including 1% Locality Service administration fee of £4,173) or £3,010 per dwelling towards the enhancement of the existing equipped play area, youth facilities, playing pitches and changing rooms at Templecombe Recreation Ground and associated maintenance commuted sums.

(ii) Contributions towards the equipped play space and youth facilities (£223,604) to be payable upon occupation of the first 25% of the proposed dwellings (35 dwellings based on a 140 total) and towards the playing pitches and changing rooms (£197,848) to be payable upon occupation of 50% of the proposed dwellings (70 dwellings based on a 140 total)

d) Framework Travel Plan

The implementation of the approved Framework Travel Plan (i-Transport Ref: MS/LJ/ITB14408-014b) dated 24 February 2023 prepared by i-Transport LLP, in accordance with the relevant obligations to be set out in the relevant Travel Plan Schedule, including a commitment to the payment of the Travel Plan fee of £3,000 and a commitment to the payment of £32,500 as a safeguarding sum.

e) Highway Mitigation Measures

An obligation requiring the completion of the Highways Works including, but not necessarily confined to, the new access from the site onto Bowden Road and the new cycleway and footway access into the site from Combe Hill (A357) to the east, and all aspects of adoptable highway construction associated therewith prior to commencement of development or first occupation (depending on the works) to include the S278 Highways Act obligations within the S106 Agreement.

The Highway Works will include those works required pursuant to condition 22 (Site

Accesses) and condition 28 (new pedestrian / cycle access to A357 Combe Hill) and will also comprise:

- Tactile paving added to existing dropped kerbs at the northern and southern ends of Westcombe
- Tactile paving added to the existing dropped kerbs at Methyr Guest Close at the junction with Vine Street
- Tactile paving added to existing dropped kerb at Bowden Road / A357 junction
- Tactile paving and dropped kerbs added at Vine Street / Westcombe junction
- Tactile paving and dropped kerbs added to aid crossing on Station Road and
- Tactile paving and dropped kerbs added to A357 / Throop Road junction.

f) Land to be reserved for community uses

An obligation to ensure that land, with pedestrian and vehicular access, is serviced, safeguarded, and reserved for community uses falling under Use Classes E (Commercial, Business and Service), F1 (Learning and non-residential institutions) and / or F2 (Local community], which will provide space for a range of community uses including a potential GP surgery or health centre, the extent of such 'community land' as indicated on the submitted Illustrative Masterplan dated 18.11.22 (drawing ref. 1330.02) and the Parameter Plan dated 15.03.2023 (drawing ref. 1330.03A), free from any land contamination issues and/or archaeological constraints.

g) Public Open Space, Play Area, and Landscaping

- (i) Provision of an area or areas of public open space, together with children's play area/LEAP, potential surface water attenuation pond(s) or similar sustainable urban drainage system(s), landscape "buffer zones" (including community orchard/woodland), retention of hedgerows along the boundaries of and within the application site, and planting of any new trees/hedgerows along the boundaries of the site and/or within the area of public open space, all prior to 25% occupation of the dwellings or in accordance with a phased period of such occupation as may be previously agreed in writing by the Local Planning Authority.
- (ii) Provision for the management and maintenance in perpetuity of the public open space areas, children's play area/LEAP, potential surface water attenuation pond(s) or similar sustainable urban drainage system(s), landscape "buffer zones" (including community orchard/woodland), all newly planted and retained hedgerows and trees along the boundaries of and within the application site's boundaries.

- (iii) Option for management and maintenance of the public open space by an approved management company or for the Council or Parish Council to adopt the public open space areas, together with the features therein such as children's play area/LEAP, including payment by the applicant to the Council or Parish Council (or a management company created by either Council) of a commuted sum for such adoption

h) Management Company or Other Arrangements

Submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain any public open space areas, children's play area/LEAP, landscaped areas and hedgerows (excluding landscaped areas and hedgerows within domestic curtilages) that may not be adopted by the Council and maintained by the Council's management company, and any roads and/or footpaths that may not be adopted by the Highway Authority prior to first occupation of any dwelling unit hereby permitted (such date of first occupation having been notified in writing to the Local Planning Authority by the applicant/developer either prior to said occupation commencing or no later than 7 days from the date of said first occupation having occurred).

And for the following reason:

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 49 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Approval of appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

Details and drawings subject to which the planning permission is granted

04. The development hereby permitted shall be restricted to no more than 140 dwellings.

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

05. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), the proposed 'community uses' land and (future) buildings to be provided on that part of the application site shown as the purple vertical hatched area and identified as "Land reserved for community uses to include flexibility for use classes E, F1 and/or F2" on the submitted Parameter Plan drawing ref. 1330/03A, shall only be used for those uses that fall within Schedule 2, Part A, Classes E (Commercial, Business and Service), F.1 (Learning and non-residential institutions) and F.2 (Local Community) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification), and shall not be used for any other uses that fall outside of those Use Classes.

Reason: To protect the amenities of the area and to ensure the approved uses are accessible and retained for such purposes to meet community needs and support well-being, having regard to Policy SS2 of the South Somerset Local Plan which generally supports proposals to create or enhance community facilities and services in Rural Settlements.

06. Unless otherwise indicated by other conditions attached to this decision, the development hereby permitted shall accord with the following approved plans in respect of the extent of application site to which this grant of outline planning permission relates and also the proposed access details:

- Drawing ref. 1330/01. Site Location Plan dated 09.11.22
- Drawing ref. 1330/03A. Parameter Plan dated 15.03.23
- Drawing no. ITB14408-GA-007 Rev. F. Proposed 3.7m Pedestrian/Cycle Access on Combe Hill dated 01.12.22
- Drawing no. ITB14408-GA-053 Rev. A. Proposed Vehicular Site Access on Bowden Road dated 05.12.22

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

07. In respect of the appearance, landscaping, layout, and scale of the proposed development to which this grant of outline planning permission relates, the reserved matters shall accord with the submitted drawing ref. 1330/03A 'Parameter Plan'. The extent of new residential development and community uses, together with associated parking and turning areas, curtilages and roads/footpaths/other highway infrastructure shall be limited solely within the orange diagonally hatched areas identified as "Residential Development to include C3 residential uses, roads, parking, open space, Sustainable Urban Drainage System, landscaping and associated infrastructure" and the purple vertical hatched area identified as "Land reserved for community uses to include flexibility for use classes E, F1 and/or F2" on the submitted Parameter Plan drawing ref. 1330/03A, with the remainder of the application site used for 'Green Infrastructure', 'landscape strip', 'orchard/landscaped area', existing hedge and tree boundary planting and pedestrian/cycle link/emergency access purposes as identified on said Parameter Plan.

Reason: To clarify the extent of land within the application site to be used for new residential and community use development and associated parking and turning areas, curtilages and roads/footpaths/other highway infrastructure, with the remainder of the site being used for 'green infrastructure', 'landscape strip', 'orchard/landscaped area', existing hedge and tree boundary planting and

pedestrian/cycle link/emergency access purposes, in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:
- a) Planting plans (to a recognised scale) and schedules indicating the location, numbers of individual species, density, spacings, sizes, forms, root types/root volumes and size of proposed tree, hedge, and shrub. All planting stock must be specified as UK-Grown, unless otherwise previously agreed in writing by the Local Planning Authority.
 - b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, tree pit design, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.
 - c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).
 - e) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge (banks)), where appropriate;
 - f) An on-going management and maintenance plan of all the approved landscaping features; and
 - g) A timetable for the implementation of the approved hard and soft landscaping scheme.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation (within the dormant planting season between November to February inclusively) and shall thereafter be protected, managed, and maintained in accordance with the approved scheme.

Reason: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance

the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

Pre-commencement conditions

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

Reason: The agreement of archaeological works prior to the commencement of development is fundamental to enable the recording of any items of historical or archaeological interest, having regard to the requirements of Policy EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. Prior to commencement of development, site vegetative clearance, groundworks, heavy machinery entering site or the on-site storage of materials,
- a) a scheme of tree and hedgerow protection measures must be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - 'Trees in relation to design, demolition and construction' (in accordance with item 6.3, the scheme must include a sequenced scheme of supervisory monitoring of the installation and maintenance of protective measures and the supervision of specialist working techniques - by a competent Arboriculturalist) and shall be submitted to and approved in writing by the Local Planning Authority; and
 - (b) the tree and hedgerow protection measures shall be fully installed and completed in accordance with the details approved in writing by the Local Planning Authority and confirmed as such in writing by the Local Planning Authority within 21 days from written notification of completion of the approved protection scheme by the applicant/developer.

The approved tree and hedgerow protection scheme shall remain installed in its entirety for the duration of the construction of the development (inclusive of any

hard and soft landscaping operations) and shall only be moved, removed, or dismantled with the prior written consent of the Local Planning Authority.

Reason: The submission and agreement of a scheme of tree and hedgerow protection measures prepared by a suitably experienced and qualified arboricultural consultant, and the subsequent full implementation of the approved protection measures, prior to commencement of development is fundamental to enable the Local Planning Authority to consider all tree and hedgerow protection measures in order to preserve existing landscape features (trees and hedgerows), in the interests of visual amenity and biodiversity having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. No development shall commence, including any demolition, groundworks, or vegetation clearance, until details of the sustainable surface water drainage scheme, based on sustainable drainage principles which aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, together with measures to control and attenuate surface water and details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include how provision shall be made within the site for disposal of surface water so as to prevent its discharge onto the highway.

Reason: The agreement of details of a surface water drainage scheme prior to commencement of development is fundamental to ensure that the development is served by a satisfactory system of surface water drainage, which will aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims as specified by the National Planning Policy Framework (September 2023) and the Flood and Water Management Act 2010, and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with Policy EQ1 of the South Somerset Local Plan, relevant guidance within the NPPF and the Technical Guidance to the NPPF.

12. No development shall commence, including any demolition, groundworks or vegetation clearance, until the Local Planning Authority (in consultation with Wessex Water) has confirmed in writing that adequate capacity exists in the sewerage network and sewage treatment works to accommodate all new connections to the mains sewerage system, or if improvement works are shown to be required then the applicant, Local Planning Authority and Wessex Water

shall agree upon a timetable for such works to be carried out and at what stage development can be commenced or first occupied.

Reason: The proposed development will significantly increase the loading on the existing sewerage network and sewage treatment works and as such the carrying out of a capacity appraisal and detailed process review prior to commencement of development is fundamental to understand the impact of the increased loading and to determine if any improvement works will be necessary to accommodate the additional loading, in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include the following:

- a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.
- b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.
- c) Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- d) A plan showing the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.
- e) A schedule and location plan for the delivery, removal, loading and unloading of all plant, waste and construction materials to and from the site, including the times of such loading and unloading; details of how deliveries and removals, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary

warning signs to be used, and measures to manage crossings across the public highway with guidance of a trained banksman.

- f) Arrangements to receive abnormal loads or unusually large vehicles.
- g) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours. Procedures for emergency deviation of the agreed working hours shall be in place, the details of which shall be agreed with the Local Planning Authority.
- h) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.
- i) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.
- j) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, together with the regular use of a road sweeper for the local highways.
- k) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.
- l) Details of any piling together with details of how any associated vibration will be monitored and controlled.
- m) The location and noise levels of any site electricity generators.
- n) Management of surface water run-off from the site in general during the construction period.
- o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
- p) A scheme to encourage the use of Public Transport amongst contactors.
- q) Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site.
- r) Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison

(including with the Highway Authority and the Council's Environmental Protection Team).

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to residents; the prevention of harm being caused to the amenity of the area; and in the interests of highway safety during the construction process, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

14. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a scheme to deal with contamination of land identified in The Phase 2 Geo- environmental and Geotechnical Site Investigation 1922554-R02 (01) (May 2023), controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing.
- a) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on- going monitoring should also be outlined.
 - b) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 - c) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: The agreement of details of a scheme to deal with contamination of land, controlled waters and/or ground gas prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection and to protect the health of future occupiers of the site from any possible effects of contaminated land, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

15. No development shall commence, including any demolition, groundworks, or vegetation clearance, until the applicant/developer has submitted to the Local Planning Authority either:

- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
- b) a statement in writing from a qualified competent ecologist to the effect that he/she does not consider that the development will require a licence.

The Local Planning Authority shall acknowledge receipt and confirm its acceptance in writing of either the Natural England licence or the ecologist's written statement within 21 days following its receipt.

Reason: There are several badger setts identified on the site. As such, the submission to, and written confirmation of acceptance by, the Local Planning Authority of either a copy of the licence issued by Natural England or a written statement from a qualified competent ecologist to the effect that he/she does not consider that the development will require a licence prior to the commencement of development is fundamental to ensure there is strict protection afforded to a protected species, having due regard to Policy EQ4 of the South Somerset Local Plan, relevant guidance within the NPPF and relevant statutory legislation, including The Protection of Badgers Act 1992.

16. No development shall commence, including any demolition, groundworks or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Biodiversity) and a Risk Avoidance Measures Method Statement (RAMMS) have been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones, etc.
- d) Details of the pre-works walkover surveys (badger, otter, etc), as recommended in the EcIA provided by EAD (Dec 2022).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.

- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council's Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases).
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The RAMMS shall detail a strategy to prevent adverse dust levels, run off from chemical liquids such as petroleum and detergents into the nearby watercourse which is adjacent to the application site along the southern boundary, and using bunded storage for example when refuelling vehicles and storing oil and fuel accordingly.

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

Reason: The agreement of details of a Construction Environmental Management Plan (Biodiversity) and a Risk Avoidance Measures Method Statement strategy prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection and prevention of harm being caused to the amenity of the area, having regard to Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF, and In the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following details:
 - a) Description and evaluation of features to be created, restored, protected

and managed, including any addition of native wild flower grassland areas and edges to open spaces and native pollinator friendly wetland plants to be planted within the SuDS.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management, appropriate management options for achieving such aims and objectives, and prescriptions for management actions.
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- e) Details of the body or organisation responsible for implementation of the plan.
- f) On-going monitoring and remedial measures.

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

Reason: The agreement of details of a Landscape and Ecological Management Plan prior to the commencement of development is fundamental to ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework, Policy EQ4 of the South Somerset Local Plan, and in the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

18. No one phase of the development hereby permitted shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features of the site that are particularly sensitive for bats, dormice, otter, and badger, as well as other protected species that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places (including motion sensors and timers where appropriate).
- c) accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained and retained thereafter. Under no circumstances shall any other external lighting be installed on the site without prior written approval from the Local Planning Authority.

Reason: The agreement of details of a Lighting Strategy for Biodiversity prior to the commencement of any one phase of the development is fundamental to ensure the development safeguards any biodiversity interests in the interests of the Favourable Conservation Status of populations of European protected species, having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

- 19. No removal of hedgerows, trees or shrubs, or works to or the demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

20. No development relating to the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and a method of construction implementation programme shall be submitted to the Local Planning Authority.

- a) estate roads, footways, tactile paving, cycleways, pedestrian, and cycle routes and associated vehicular accesses and crossings, and junctions.
- b) sewers, highway drainage and service routes.
- c) retaining walls, vehicle overhang margins and embankments.
- d) visibility splays.
- e) proposed levels and all carriageway and drive gradients.
- f) car, motorcycle, and cycle parking.
- g) hard and soft structural landscape areas, means of enclosure and boundary treatment.
- h) street lighting and street furniture.
- i) lay-bys or alternative facilities.
- j) swept path analysis for a vehicle of 11.4m length.
- k) central pedestrian reserves, bollards, and lighting.
- l) service corridors.

There shall be no first occupation of any dwelling or community use building until the development has been constructed in accordance with the approved details as set out in the method of construction implementation programme unless otherwise previously agreed in writing by the Local Planning Authority (in consultation with the Highway Authority) and retained in perpetuity thereafter.

Reason: The agreement of details relating to highways infrastructure prior to the commencement of development is fundamental in the interests of highway safety and public convenience, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

21. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access onto Bowden Road and extending to points on the

nearside carriageway edge 120 metres west and 48.6 metres east of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: Having regard to the size of vehicles to be accessing the site during the construction phase, the provision of the full visibility splays prior to commencement of development works on the site is fundamental in the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Pre-occupancy or other stage conditions

22. No dwelling hereby permitted shall be occupied until the proposed accesses connecting the site to Bowden Road and Combe Hill (A357) have been constructed and made available for use in accordance with the details indicated on the approved drawings referenced in condition 05 of this permission, or unless as may be previously agreed in writing by the Local Planning Authority in consultation with the Highway Authority that occupation of any dwelling may take place prior to the completion of the requisite works to the accesses. The proposed accesses shall be properly consolidated and surfaced (not loose stone or gravel and to a minimum of base course level) and drained in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and highway safety, further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

23. The on-site surface water drainage scheme, approved pursuant to condition 11, shall be implemented and installed in accordance with the approved details prior to the construction of development above slab or damp-proof course level, or as otherwise may previously be agreed in writing by the Local Planning Authority (in consultation with the Highway Authority and Lead Local Flood Authority) and maintained and retained at all times thereafter.

Reason: In the interests of highway safety and convenience and to avoid flooding of the site and the adjoining highways, in accordance with Policies EQ1, EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

24. No part of the development hereby permitted shall be occupied or brought into

use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved drainage works shall be completed and maintained in accordance with the details agreed.

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

25. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan (Biodiversity), approved pursuant to condition 16, have been completed to his/her satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that Policy EQ4 of the South Somerset Local Plan has been complied with.

26. Prior to first occupation of any dwelling hereby permitted, or in accordance with an alternative timetable for submission as may previously be agreed in writing by the Local Planning Authority, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. Photographs of the installed features shall also be submitted to the Local Planning Authority prior to occupation.

The content of the BEP shall include the following:

- a) A Schwegler 1FR bat tube or similar shall be built into the structure of 50% of the proposed dwellings, positioned at least four metres above ground level and away from windows on the west or south facing elevations.
- b) Schwegler 1SP Sparrow terraces or similar shall be installed on to 30% of the proposed dwellings, directly under the eaves and away from windows on the north or east elevations.
- c) A cluster of three Schwegler 1a swift bricks or similar shall be built into the structure of 10% of the proposed dwellings, built into the wall at least 60cm

apart, at least 5 metres above ground level on the north and/or east facing elevations, ensuring unobstructed access for the birds to leave/enter the nests.

- d) 30 x Schwegler 2F-DFP bat boxes (or similar) shall be installed on suitable trees throughout the site, at least 4m high and facing south or west.
- e) 30 x bird boxes (a combination of 5 Schwegler 1B and 2H or similar) shall be installed on suitable mature trees on site, between 1.5 and 3m high, facing east or north.
- f) Installation of 2 x Barn Owl boxes (Eco barn owl box or similar) on suitable trees within the site, as instructed by an on-site ecologist.
- g) A bee brick shall be built into the structure of all proposed dwellings, located 1 metre above ground level on the south or southeast elevation.
- h) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- i) Installation of 5 x hibernacula/log piles for reptiles/amphibians shall be created within the site, ideally near areas of scrub/woodland/hedgerows, near the boundaries of the site, as instructed by an on-site ecologist.
- j) The wetland/SuDS areas should be planted up with an appropriate seed mix for wetlands (such as Mixture EM8 found at <https://wildseed.co.uk/product-category/mixtures/complete-mixtures/meadow-mixtures-for-specific-soils/Areas>) and areas of rough grassland shall be created and retained as an enhancement for reptiles, as well as a foraging habitat for other protected species.
- k) Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in the National Planning Policy Framework and the Draft Environment (Principles and Governance) Bill 2018.

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

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

28. No dwelling hereby permitted shall be occupied until all cycleways and footways linking the residential development to Combe Hill to the east have been constructed and made available for public use in accordance with details previously submitted to and approved in writing by the Local Planning Authority, or unless as may be previously agreed in writing by the Local Planning Authority in consultation with the Highway Authority that occupation of any dwelling may take place prior to the completion of any such cycleways and/or footways. Such details shall include the siting, alignments, gradients, widths, means of hardening and surfacing (not loose stone or gravel) and means of drainage.

Thereafter, the approved cycleways and footways shall be retained and maintained and remain open for public access in perpetuity and shall, at no times, be obstructed and public use prevented, unless there is a need for the carrying out of essential repairs and maintenance to any part of the cycleways and footways, in which case prior written notification from the applicant/developer (or from the Highway Authority if said cycleways and footways to be repaired are adopted) shall be submitted to the Local Planning Authority with clear details provided as to the extent of repair or maintenance works to be carried out and the length of time such obstruction will occur, and subsequent written approval provided by the Local Planning Authority.

Reason: In the interests of sustainability and allowing ease of movement for pedestrians and cyclists from the application site to Combe Hill in perpetuity in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance in the NPPF.

29. All garaging, vehicular and bicycle parking and turning spaces shall be provided, laid out, properly consolidated, surfaced, drained and (where appropriate) delineated in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining roads, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

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

31. No dwelling hereby permitted shall be occupied until refuse and recycling storage areas have been provided to serve each dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining, and screening of such refuse/recycling storage areas. The refuse/recycling storage areas shall thereafter be retained and maintained as such unless the Local Planning Authority gives prior written approval to any subsequent variations.

Reason: To provide adequate provision of on-site refuse and recycling storage to serve the proposed dwellings to ensure that any impact on visual and residential amenity is kept to a minimum, having regard to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

32. There shall be no occupation of any community use building(s) hereby permitted until refuse and recycling storage areas have been provided to serve each community use building in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining and screening of such refuse/recycling storage areas. The refuse/recycling storage areas shall thereafter be retained and maintained as such unless the Local Planning

Authority gives prior written approval to any subsequent variations.

Reason: To provide adequate provision of on-site refuse and recycling storage to serve all community use buildings to ensure that any impact on visual and residential amenity is kept to a minimum, having regard to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

Reason: In the interests of highway safety, further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

34. There must be no buildings constructed within a minimum of three metres either side of the 150mm diameter public surface water sewer and no buildings constructed within a minimum of three metres either side of the 150mm diameter public foul sewer.

There shall be no tree planting within a minimum of six metres either side of the 150mm diameter public foul sewer.

This includes no surface water attenuation features and associated earthworks in the standoff strip, changes in ground levels resulting in additional loading or excavation which could lead to instability in the pipe.

Reason: Wessex Water requires access to carry out its statutory duties as set out in the Water Industry Act 1991 to maintain and repair its assets. This condition is imposed to ensure no buildings are constructed or planting carried out which would cause damage to the public surface water sewer and public foul sewer whilst also allowing Wessex Water unrestricted access to maintain and repair its apparatus.

Conditions relating to post occupancy monitoring and management

35. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule approved pursuant to condition 07, if within a period of five years from the date of the completion of the dwellings or completion of the approved landscaping scheme pursuant to condition 08 (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning authority gives its

written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

- a) Part 1, Class A (enlargements, improvements or other alterations)
- b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storey)
- c) (b) Part 1, Class B (roof additions)
- d) (c) Part 1, Class C (other roof alterations) and
- e) (e) Part 2, Class A (gates, fences, walls or other means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the locality in general and the setting of the nearby designated heritage asset, by ensuring there are no inappropriate extensions to dwellings and means of enclosure when viewed from public vantage points; to prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property; and to safeguard on-site parking and circulation areas, having regard to Policies EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

37. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no construction of any gas compounds, electricity substations, buildings for the purposes of electronic communications or water pumping stations shall commence prior to the submission to and written approval from the Local Planning Authority relating to details of the siting, levels, elevations, dimensions, external materials, access arrangements, boundary treatments and landscaping for each of those utility

buildings or compounds. Development shall thereafter be undertaken only in accordance with the approved details.

Reason: To ensure that the siting and external appearance of any utility compounds and buildings is acceptable in relation to the character and visual amenity of the development and the wider area, including the setting of the nearby designated heritage asset, and in the interests of protecting the amenity of occupiers of neighbouring dwellings and buildings; maintaining highway safety; protecting biodiversity; protecting green infrastructure resources; and having regard to Policies EQ2, EQ3, EQ4, EQ5, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. Legal Agreement

This permission shall be read in conjunction with the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between (1) Somerset Council; (2) Paul James Phillips and Michelle Phillips; and (3) Gleeson Strategic land Limited and dated xxxxx 2023.

02. CIL

Please be advised that approval of this application by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement) Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. Somerset Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details Somerset CIL (<https://www.somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/>) or email cil@somerset.gov.uk

03. Birds

The developer/applicant is reminded of the legal protection afforded to nesting birds

under the Wildlife and Countryside Act 1981 (as amended). In the event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

In the event that vegetation removal will be taking place then further consultation must be sought prior to this.

04. Bats

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

05. Great Crested Newts

This permission shall be read alongside the requirements of the District Level Licence for Great Crested Newts (GCN) which has been obtained under the District Level Licencing number DLL-ENQ- SOMT-00066. Should any changes to the proposals occur which have implications to the remit of the Licence, the developer/applicant must consult a suitably qualified ecologist, Natural England, and the Local Planning Authority for further advice prior to any commencement or continuation (whichever is relevant) of the development scheme.

06. Contamination

It should be noted that, with reference to the National Planning Policy Framework (September 2023) paragraph 184, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

07. Police Designing Out Crime Officer

The applicant's/developer's attention is drawn to the comments of the Police Designing Out Crime officer in his consultation response dated 24th January 2023 when preparing the detailed design and layout scheme for any subsequent application submission.

08. Wessex Water

The applicant's/developer's attention is drawn to the comments of Wessex Water in its letter dated 24th April 2023.

09. Advance Payment Code

In respect of condition 13, if it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). To qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

10. Highway Agreement or Licence

In respect of condition 22, because approval of the construction either on or directly adjacent to the highway will require an Agreement or Licence with the Highway Authority, no discharge of this condition will be agreed until either technical approval or the licence has been granted by the Highway Authority.

11. Surface Water Drainage Systems

In respect of conditions 11 and 23, any surface water drainage systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will the Highway Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the applicant's/developer's title, will be required for adoption.

12. Submission of Surface Water Drainage Details

To discharge conditions 11 and 24, the Local Planning Authority and Lead Local Flood Authority will expect to see the following details submitted for consideration and approval.

- a) Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- b) Detailed network level calculations demonstrating the performance of the proposed system are required and this should include:
 - a) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - b) Where relevant, calculations should consider the use of surcharged outfall

conditions.

- c) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - d) Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - e) Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.
- c) Detailed drawings, including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
 - d) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
 - e) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
 - f) With regards to maintenance, it should be noted the condition is recommended as a 'pre- occupation' condition. The following information will be required.
 - Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
 - A consultation with the Environment Agency showing their consent to the proposed development should be included.
 - A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.
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**Report for Information
Planning Committee - South**



14 November 2023

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 (13 October 2023.)

Application No:	22/00654/REM
Address:	Holly Tree Farm, Longstrings Lane, Crewkerne.
Description:	Reserved matters application for approval of appearance, layout and scale of approval 19/02921/OUT the erection of 2 dwellings.
Application Decision by:	Officer Delegated
Appeal Decision:	Dismissed

Application Nos:	23/00319/COL & 23/00320/COL
Address:	Henstridge Sport & Leisure, Marsh Lane, Henstridge.
Description:	Applications for Lawful Development Certificates – various.
Application Decision by:	Not applicable
Appeal Decision:	Withdrawn

The Inspector's decision letter is shown on the following pages.

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Appeal Decision

Site visit made on 26 September 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2023

Appeal Ref: APP/R3325/W/23/3319679

Holly Tree Farm, Longstrings Lane, Crewkerne, Somerset TA18 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
 - The appeal is made by Brett Adam Jacobs against the decision of South Somerset District Council.
 - The application Ref 22/00654/REM, dated 21 February 2022, sought approval of details pursuant to condition No 2 of outline planning permission Ref 19/02921/OUT, granted on 18 June 2021.
 - The application was refused by notice dated 8 February 2023.
 - The development proposed is described as “reserved matters application for approval of appearance, layout and scale of approval 19/02921/OUT the erection of 2 dwellings”.
 - The details for which approval is sought are: appearance, layout and scale.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was refused by South Somerset District Council, which was replaced by Somerset Council on 1 April 2023. Although there have been changes to the administrative arrangements of the Council as a result, no changes have been made regarding any of the development plan considerations relevant to this appeal.

Main Issues

3. The main issues are whether the proposed development is consistent with, and authorised by, the terms of the outline planning permission, and if so:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for future occupiers with particular regard to external amenity space;
 - whether the proposed development would be likely to have a significant effect on the integrity of the Ramsar; and
 - whether the proposed development would cause unacceptable harm to the safety of users of Longstrings Lane.

Reasons

4. In June 2021 the Council granted outline planning permission¹ for the erection of two dwellings with all matters reserved except for access and landscaping on the appeal site, subject to a series of conditions. The terms of the outline planning permission include condition No. 2 which states that scale, layout and appearance were reserved for future consideration. The reserved matters application which is the subject of this appeal seeks approval for these matters. Although the principle of residential development on the appeal site has been established through the grant of outline planning permission, the details of any subsequent reserved matters applications must accord with the outline planning approval.
5. The proposed layout of the site is shown on the Site Location Plan and Site Block Plan² submitted with the reserved matters application. In addition to two dwellings, these plans also show an orchard and a building labelled as an Orchard Store. No reference is made to an Orchard Store within the terms of the outline planning permission, either within the description of development or any of the attached conditions. Furthermore, condition No. 4 limits the development to no more than two dwellinghouses and a combined gross internal floor space of 1000 square metres. Even though the combined floor space of the proposed development, including the Orchard Store, would be below this total area, the condition is precise in its application to the dwellings.
6. My attention has also been drawn to conditions No. 5 and No. 13 of the outline planning permission. Whilst condition No. 5 relates to the approval of a scheme of landscaping, it does not refer to an orchard or an orchard store. Additionally, the discharge of condition No. 5³ refers only to the approval of landscaping works specified on page 3 and within Appendix A of the Design and Access Statement (DAS)⁴. The requirement to plant an orchard is stipulated, however, in condition No. 13 at point f) which states 'Plant an orchard at the rear of the properties using traditional Somerset species'. Notwithstanding this, an orchard store does not form part of this condition.
7. The appellant contends that the Orchard Store would be a structure pertinent to the normal use and functioning of two domestic buildings as it would provide vehicle parking for the dwellings, amongst other things. However, the DAS, also submitted with the reserved matters application, confirms its use for the storage of equipment and machinery ancillary to provide means for the management and husbandry requirements in propagating the orchard⁵.
8. My attention has been drawn to the definition of development as set out within the Town and Country Planning Act 1990 (the Act). Whilst Section 55 (2)(d)⁶ and (2)(e)⁷ provide exclusions from this definition in respect of dwellinghouses and forestry, this comprises the use of buildings or the land. It does not include the carrying out of building; this is defined as development for the purposes of Section 55 (1) of the Act.

¹ Council ref: 19/02921/OUT dated 18 June 2021

² Drgs No. 2022/01 and 2022/02, both dated January 2022

³ Email from Ben Gilpin to Brett Jacobs dated 21 March 2022

⁴ Dated January 2022

⁵ As specified by a technical note prepared by Natural England

⁶ the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such

⁷ the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used

9. Even if I were to consider the Orchard Store would be ancillary to the use approved, the evidence before me indicates that it did not form part of the proposed development contained within the outline planning application determined by the Council. I therefore conclude that the reserved matters application is not consistent with the terms of the outline permission.
10. It would not be appropriate for me to consider the appeal as a full application as it has not been advertised as such. Consequently, interested parties who may have wished to comment on the proposed development as a whole, would not have had an opportunity to do so, resulting in procedural unfairness.
11. Given my findings above, I must dismiss the appeal on the basis that the submitted details for the reserved matters application are not authorised by the outline permission. It has not therefore been necessary for me to consider the planning merits of the proposed development. Additionally, I am not required to address any other relevant matters raised by the Council or interested parties.
12. Even if no concerns about the Orchard Store were highlighted by the Council during the determination of the reserved matters application, the Council's handling of the application falls outside the remit of this decision.
13. I acknowledge the appellant's circumstances and the history associated with the appeal site. However, these are not reasons that are determinative in my decision.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Juliet Rogers

INSPECTOR

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